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anywhere, and it was in vain that he sent parties here and there to search for her. After useless investigations, they believed that it was this beautiful woman who had been killed in the battle and had assumed the body of a white bear, and that the struggle signified their approaching slavery.[1]

"In regard to the oracle of which I have just spoken, they say that between three mountains which make a tripod is a valley, very deep, dark, and inaccessible because the sides are perpendicular, into which if one fell he could climb up again only by means of ropes; that below is seen shining something like a burning torch, and it is there where the one who knows the secret goes for the oracle, for in the nation there is only one man and his wife who know it. There are two, they say, for fear lest if there were but one and he happened to die suddenly or in war, the secret would be lost. I heard the story of that secret place where the three mountains are from a French officer, a friend of mine and commandant of the Alabama post. Having heard it spoken of, he thought the appearance must be occasioned by precious stones at the base of these mountains; perhaps, said he, a carbuncle. With this thought in mind he wanted to try to discover the secret. He ordered the interpreter to bring before him one of the two guardians of the secret. By chance it was the woman whom he brought, having found her first; and, knowing well that they love brandy as much as their husbands do, the commandant got her intoxicated. But he found her very different from European women, for he was not able to draw from her any information, since she preferred to die rather than make it known. She added that, if she told him, she would not be able to escape; the oracle would cause her death, and, after death, instead of passing into the body of some fine animal as she expected, it would make her enter the body of a crocodile (alligator), the usual punishment in the other world for those who have misbehaved in this. They believe in transmigration. There are even certain nations which will by no means eat of some animals for fear of eating their relatives or friends, for each nation has its especial animal into the body of which it must enter after death."

The First Meeting Between the Creeks and the White People

This event, of such great, if also tragic, interest to the Indians, is the subject of a number of stories. One of these has already been given, and there are several more of similar type. Kasihta yahola, an Indian of the Łapłako town, had heard that the Americans were formerly out upon the ocean and at first the Muskogee would not let them land, but finally they relented, and a prophecy arose at that time to the effect that the Indians would ultimately be dis-

[1] [Cf. cat 115 p. 74 -- Analyst]

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possessed by these newcomers. Another informant said that the Indians were believed to have come out of the earth, and therefore they own it and are to go back into it. The white people, on the other hand, were created later out of the foam of the sea. They first begged to put one foot on shore to rest themselves a little, and the Indians consented, but afterward the newcomers complained that it was tiresome to stand on but one foot and they asked to be allowed to set the other ashore. This also was granted. Next, the whites wanted to buy from the Indians as much land as could be covered with a hide, and when the Indians agreed they cut the hide into strips and made it surround a large area. In this way the Indians were gradually dispossessed. The Indians were also given a prophecy at that time to the effect that the whites would come and preach to them and the preaching would move westward.

Here we have the famous "cowhide purchase" myth, which dates back as far at least as Virgil, reinjected into Indian thought, apparently from a modern schoolbook. The most remarkable interweaving of schoolbook and other latter-day elements into a kind of Indian neo-philosophy is, however, the following from a decidedly reactionary Creek of Hilibi town:

"When Columbus reached America the first thing he saw was an eagle with a bunch of arrows in one claw and some leaves in the other. The arrows had been shot by the Indians and the eagle had caught them. Then Columbus and his people landed, but, being at first unable to open communication with the natives on account of their shyness, they resorted to a stratagem. They set a barrel of whisky ashore, laid a cane by it, and then withdrew. Afterward the Indians found the barrel and got drunk so that the white people were enabled to capture one of them. The rest managed to get away. They took the man they had captured and taught him "English" and through him they gradually became acquainted with the rest. Then they began to make treaties. To illustrate the gradual encroachments of the newcomers and how they dispossessed the Indians the following parable is told. Seventy Indian chiefs sat on a log which had fallen toward the west, and every time the whites came to make a treaty with them they would move up on it a little. They kept hitching up until at last the end man was shoved off. Then he said: 'There it is. I told you that is what you would do with me.' The white people induced them to make a treaty granting them as much ground as could be covered with a cowhide, and afterward they cut the hide into strips and treated them in the way already related. More white people kept coming and trouble arose, so that part had to go back. The remainder, however, promised that they would treat the Indians right as long as the streams ran and the water lasted."

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This curious mixture contains an attempt to explain the eagle on our national seal, and includes a version of the "cowhide purchase," reference to the American Revolution, a story said to be drawn from the life of Tecumseh, and the treaty by which the Creeks were deeded their lands west of the Mississippi. The episode of the whisky barrel—which of course could not have been a whisky barrel—gives significant prominence to a potent source of Indian misfortunes. An old Tukabahchee informant had the following to say:

"It was predicted by the great Ruler that the Creeks were to be at the doorway of this continent and that the white people were to come there and treat with them. And the coming of the white people was in this manner. The Indians, looking out upon the ocean, thought that they saw a duck floating there. It came nearer and nearer and proved to be a boat. When the Indians saw people get out of this boat they became frightened and ran away to hide behind trees from which they could watch the strangers. Then they saw the strangers bring some barrels ashore and drink from them. Afterward the whites withdrew to a distance and the Indians came to the barrels to examine them. Finding that the stuff which they contained had a pleasant odor they drank some of it and became tipsy. Then the white people ran forward and tried to capture them but they got only one. The others called to them to bring their companion back but they would not let him go until he had learned to speak their language. Then they sent him back to them and he told them that the strangers talked fair but wanted land. For a time the Indians refused to sell any, but the whites were so insistent that the ninety native chiefs finally agreed to treat with them and let them have some. The word given to the Indians by the white people at that time was 'I will be the father of your tribes,' and consequently the Indians call a white man 'white father.' "

Some amusing things are told of the uses to which these primitive Indians put the articles which the white people gave them. On receiving some flour, for instance, they mistook it for white paint and painted their bodies with it.

Prophecies Regarding the Fate of the Indians

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Besides the very general prophecies regarding their fate which contact with the whites naturally brought out, there were prophecies which seem to have belonged in part at least to the original body of myth of the tribe. As we have seen, one informant supposes that the Indians having come out of the earth will go down into it again, which indeed happens with each individual's body at death. According to another man this disappearance was to take place just where their emergence had occurred, at "the navel of the world." Preceding this "the busk would begin to suffer from neglect, the people refuse

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observer, active and spare, and he forms a kind of outpost for the Bear." 616

An additional reason for the association of wind with peace is the myth that in the beginning of things, at the time when men were first separated into clans, it drove away the mists then enveloping them and revealed them to one another.[55a] 621

These two divisions have not had anything to do with marriage regulations, at least in recent times. I was told that each formed an exogamous group in Koasati, but the Koasati are so reduced in numbers to-day that it is doubtful whether such information may be relied upon. More important was the statement of Jackson Lewis that anciently members of White clans did not intermarry. However, he did not affirm that the same was true of the Tciloki, and his assertion remains practically unsupported. I have a few cases in which exogamous groups are reported including clans belonging to both sides, though further investigation may show this to be an error. Thus in Abihka-in-the-West the Wind and Bear, reported as usual to have been White, are said to have formed one phratry with the Panther which was given as Tciloki. In Asilanabi the Bear and Bird, which were Whites, were united with the Beaver and Alligator, which were Tciloki. In Tuskegee the White Beaver are said to have united with the Tciloki Alligator. In Łapłáko the Bear, Bird, and Beaver are said not to have intermarried, although the first is given as a Tciloki clan in this town and the other two as White clans. In Alabama the Bear and Panther are put together—the former a White clan, the latter a Tciloki. In Okmulgee and Hitchiti the Bird and Beaver are assigned to opposite sides but one phratry, though here, as stated above, I have reason to believe that they were both Tciloki. Among the Yuchi the Wind are said to have been Whites and the Deer and Panther Tciloki, while the three were in one exogamous group. 616 621 582

The White clans undoubtedly had to do with peace, while the others were "bearers of the red sticks" and hence were war clans, but the terms "peace and war" are not given to them as names, nor is the adjective red usually coupled with the Tciloki. There is reason to believe that this dual division had something to do with the dual division of towns to be considered presently, but it is now difficult to make out just what that connection was. At any rate they served one definite purpose, to determine the sides in practice games played within each town, the Whites and Tciloki always forming the two parties. 616 621 526

Among the Texas Alabama, where there has long been but a single town or one or two related villages, practice games were all that could be indulged in. It is to be supposed that in former times they had 616 621 526 177

[55a] See pp. 111–113.

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616 621 526 [177] the same dual division as the other Creeks, but it is now entirely forgotten. In later years, at all events, the men and women played against each other in the two-goal game, something unheard of among the Creeks proper and due without doubt to an entire breakdown of the ancient customs. I was also told that when the men did play against each other the Daddy-longlegs, Bear, and Deer "stood" the other clans. This, however, I believe to have been another modern device, and a suggestion of something more primitive is contained in the statement of one of my oldest informants to the effect that the fathers of the Bear, Salt, and Wind clans always played against the sons of those clans. The others, including evidently the men of those three clans, "divided up any way." The suggestiveness about this lies in the fact that among the Creeks the Bear, Salt, and Wind are usually considered White clans.

[535] As mentioned above, in the tcitahaia or "feather dance" eagle and buzzard feathers were carried by the Tciloki dancers and white crane feathers by those from White clans.

GENERAL REMARKS

614 582 Some general considerations are to be appended regarding the functions of Creek clans and clan aggregates and the customs connected with them. One of my informants remarked that "clans have everything to do with marriage," yet it is evident from what has been said above that in practically none of the towns were all of the exogamous groups identical with single clans. Another asserted that persons of the same clan in unrelated towns could marry, while if the towns were considered branches of one group they could not. This was, however, flatly denied by everyone else, all maintaining that marriage into the clan of the mother was absolutely prohibited, no matter whether the persons concerned belonged to the same town or lived hundreds of miles apart. Marriage into the father's clan was also held in disfavor, and it was said of a man who had done this, "He has fallen into his own [sofki] pot." This regulation was observed by the Texas Alabama as well as the Creeks proper. In ancient times the prohibition may have been more rigorous; later it covered only blood relatives in the father's clan. The assertion is made that marriage was prohibited with anyone related by blood, whether they belonged to the clans of the parents or not. According to some this took in all such persons with whom relationship could still be recognized; according to others it merely extended to the third degree. Such an extension might indeed have been anticipated from the fact that all children of men of the father's clan were called brothers and sisters and the individuals so designated might belong to any exogamous group throughout the tribe. It is said that a man was allowed to marry a woman of another town belonging

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to a clan into which he could not marry in his own town, provided that marriage between the clans was allowed in the town to which she belonged. As indicated already, there is no clear evidence that the great dual divisions were ever exogamous as a whole.

Before intertribal wars came to an end the Creeks were in the habit of increasing the size of their clans by adopting captives, especially young people of both sexes.

Slavery was not institutional among the southern Indians as it was with those of the north Pacific coast. The older male captives taken in war, and sometimes the younger ones, were anciently burned. The women and children, unless killed on the spot, were adopted into the tribe and so were those males whose lives had been spared. At the same time there was certainly some onus attaching to their position which may have lasted through life, though it does not appear to have attached to the second generation. Bartram had a good opportunity to observe the condition of slaves among the Seminole and represents their attitude as most abject and servile, but he adds that their children were "free and considered in every respect equal to themselves."[84] He states in this place that "the parents continue in a state of slavery as long as they live,"[84] but elsewhere he partially contradicts himself to the effect that "all slaves have their freedom when they marry, which is permitted and encouraged, when they and their offspring are every way upon an equality with their conquerors,"[85] and just above we read, "I saw in every town in the Nation [of the Creeks] and Seminoles that I visited, more or less male captives, some extremely aged, who were free and in as good circumstances as their masters."[85]

It must be remembered that at the time of which Bartram speaks the Creeks and Seminole had given up the custom of burning their captives, and therefore many were kept alive among them who had formerly been destroyed. The persistence of this less assimilable body of foreigners and the example of slavery among the whites had probably begun to affect the older institution to some extent. At an earlier date the captives taken in war probably formed a less distinct class and were assimilated more rapidly.

Some of the small clans were regarded as inferiors by the others, and this may have been due in some cases to a slave origin, but I have not recorded so much as a tradition to that effect, and the low esteem in which they were held more likely arose in most cases from the incestuous origin often attributed to them.[86] At various times white people have claimed kinship with certain Creek clans. For obvious reasons they have usually been assigned to a White clan, particularly the Wind.

[84] Bartram, Travels, p. 184.
[85] Ibid., p. 211.
[86] For ranking of clans see pp. 42, 213, 214, 222, and Bull. 73, p. 370.

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or less wealthy families make one, two, or three houses serve all their purposes as well as they can.

"The Lower Creeks or Seminoles are not so regular or ingenious in their building, either public or private. They have neither the Chunky-Yard nor Rotunda, and the Public Square is an imperfect one, having but two or three houses at furthest. Indeed they do not require it; as their towns are small, and consequently their councils just sufficient for the government or regulation of the town or little tribe: for in all great and public matters they are influenced by the Nation, or Upper Creeks.

"Their private habitations consist generally of two buildings: one a large oblong house, which serves for a cook room, eating-house, and lodging-rooms, in three apartments under one roof; the other not quite so large, which is situated eight or ten yards distant, one end opposite the principal house. This is two stories high, of the same construction, and serving the same purpose with the granary or provision house of the Upper Creeks."[84]

Each of these groups of buildings was evidently occupied by one family, and we must suppose the houses of daughters—when they had establishments of their own, which was not always the case—were those adjoining in the same "block" or district. The houses of the more elaborate pattern have long been out of use and forgotten, with the removal of the Indians to Oklahoma (pl. 13, *c*). A corncrib of modest dimensions may still be found near some of the houses of the old type, and it is usually on the cleared space about the house. "The cookroom and winter lodging house" was the equivalent of the "hot house" of other writers, though the ancient form had perhaps been considerably altered. The ground plan of this house is usually described as roughly circular, but Romans, in comparing the dwellings of the Creeks with those of the Chickasaw and Choctaw, says: "They live nearly in the same kind of habitations as the two other nations already mentioned, except that their hot houses are not circular but oblong squares."[85] In ancient times a public and a private house of this character were shared by both Creeks and Cherokee, but in later years they were to some extent given up by the Creeks, who did not feel the need of them so keenly in their comparatively warm climate, while the Cherokee held to them much longer.

Among the Alabama the yard (tā'ăle), that anciently surrounded every house, was roughly square but was broader in front of and behind the house than at the sides. The yard was not fenced in primitive times but was sedulously cleared of grass by means of hoes. Otherwise it was thought that sickness was likely to attack the

[84] Bartram in Trans. Am. Eth. Soc., vol. III, pp. 54-55.
[85] Romans, Nat. Hist. E. and W. Florida, p. 96.

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344 is a cone terminating in a point over the fire some 20 odd feet high. The rafters extend down from the apex of the cone beyond the twelve pillars, which are about 8 ft. high, to within 4 or 5 ft. of the ground, which space, of 4 or 5 ft., is closed entirely with earth. Between the pillars and the extreme exterior, a space of several feet, are seats of mats, like those of the sheds [in the Square]. The manner of constructing the roof is very remarkable for Indian work. Upon the alternate couples of the 12 pillars are first placed horizontal pieces, then upon the ends of these are placed other horizontal pieces between the other couples of pillars, then another series of horizontal pieces resting upon the second set, but drawn within towards the centre of the circle a few inches. Upon these again are other pieces still more drawn in. There are 4 tiers of horizontal pieces thus placed upon each other (fig. 4).

"A, b, c, d, are four of the twelve pillars. Pieces are first laid upon ab and upon cd, then a piece upon these and between bc, etc., etc. These horizontal pieces are strongly bound together by leather thongs of green hide. They are only carried up to the number of 4 sufficient for giving a direction and a foundation for the rafters, which are laid upon these, extending up to a point in one direction and in the other direction over [the] outside nearly to the ground. The rafters are strongly bound by thongs and covered with ordinary rived boards for shingles. There is but one small entrance to the House which is next towards the angle of the square adjacent to which the Round House stands." [a]

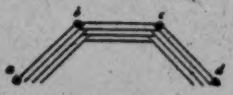

FIG. 4.—Structure of the roof of a Creek tcokofa. (After Hitchcock)

[624] He adds that certain persons were appointed to preserve the buildings and that they were obliged to take the black drink every morning.

•177 344 These descriptions, particularly that of Hawkins, agree with those I have myself obtained from old men who remember some of the hot houses that were built in Oklahoma. One had even heard that these buildings were anciently on mounds. In later times, however, the construction became much simpler. Some were made by resting poles on one end on an earthen wall and drawing the upper ends together at the center, the whole being covered with long boards. It is to be added that, although the seats ran all the way around this building on the inside, it was divided into separate "beds," maintaining the same general position as those in the "big house" out of doors. It was, as nearly as could be managed, an indoors version of the latter. During the Civil War most of these houses disappeared, and only one seems to have been built after that time, in this case by the people of Pakan tallahassee. One of the men who had participated

[a] Hitchcock, Ms. notes. The overlapping of the horizontal pieces in the sketch is crudely indicated, suggesting an outward rather than an inward flare.

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in the erection of this particular structure told me that the boards were made, and the materials brought to the spot, set up and fastened together—with grapevines instead of nails—all in 10 days. This hot house was used by the Laksafáski,[83] who are the tástánágálgi—in this town equivalent to the Deer clan. It was afterwards burned to the ground and has never been replaced, though the foundation, including the location of the large center post and the circular outline, was traceable when I visited the Pakan tallahassee busk ground in 1912. At Tukabahchee its place is still theoretically marked, and a fire made for it annually, in a circular area about 50 feet in diameter northwest of the square ground.[83a]

The outdoors council ground or "big house," as it is known to the Creeks, has also suffered degeneration, though not to such a marked degree as the tcokofa. The best early descriptions are by Bartram, Swan, and Hawkins, and they are confirmed by allusions on the part of Adair and other writers. Hawkins says:

"Choo-co-thluc-co, (big house), the town house or public square, consists of four square buildings of one story, facing each other, forty by sixteen feet, eight feet pitch; the entrance at each corner. Each building is a wooden frame, supported on posts set in the ground, covered with slabs, open in front like a piazza, divided into three rooms, the back and ends clayed, up to the plates. Each division is divided lengthwise, into two seats; the front, two feet high, extending back half way, covered with reed-mats or slabs; then a rise of one foot, and it extends back, covered in like manner, to the side of the building. On these seats they lie or sit at pleasure." [84]

Swan's description is yet longer:

"The public squares, placed near the centre of each town, are formed by four buildings of equal size, facing inwards, and enclosing an area of about thirty feet on each side. These houses are made of the same materials as their dwelling-houses, but differ by having the front which faces the square left entirely open, and the walls of the back sides have an open space of two feet or more next to the eaves, to admit a circulation of air. Each of these houses is partitioned into three apartments, making twelve in all, which are called the cabins; the partitions which separate these cabins are made of clay, and only as high as a man's shoulders, when sitting. Each cabin has three seats, or rather platforms, being broad enough to sleep upon. The first is raised about two feet from the ground, the second is eight inches higher, and the third, or back seat, as much above the second. The whole of the seats are joined together by a covering of cane-mats, as large as carpets. It is a rule, to have a new covering to the seats every year, previous to the ceremony of the busk; therefore, as the

[83] Said by some to be a nickname for the Tcilokogálgi; see p. 157.
[83a] Some further notes on the tcokofa will be found on p. 30.
[84] Hawkins in Ga. Hist. Soc. Colls., vol. III, pp. 68–69.

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344 778 a *sanctum sanctorum*, or most holy place, so have all the Indian nations; particularly, the Muskohge. It is partitioned off by a mud-wall about breast-high, behind the white seat, which always stands to the left hand of the red-painted war-seat; there they deposit their consecrated vessels, and supposed holy utensils, none of the laity daring to approach that sacred place, for fear of particular damage to themselves, and general hurt to the people, from the supposed divinity of the place."[84] Later most of the objects which had been preserved here were put up under the roof as was the case in the square described by Hawkins. In old Okchai they were up under the roof at the north end of the west cabin, where the Wind clan sat. [177 346] In recent years, perhaps to protect them from desecration by the whites, they have in some towns built a small house about 4 feet each way in which the pots used at that time are stored. There is one at Eufaula just back of the chief's bed, one at Alabama southeast of the square, and one at Chiaha Seminole in the same relative position. Tukabahchee, where the busk vessels and appurtenances are kept in a small inclosed space just back of the center of the chief's bed, is the only town to preserve a relic of the more ancient custom.

344 In olden times there was in front of each front post in every bed a stick tapering to a point at the top, leaning outward, and provided on the outer side with two notches. The butt ends of the wands on which the feathers were tied used in the tcitahaia dance were stuck into the ground at these same points. The sticks were called atâsâ, like the smaller ones carried by the leaders of the women in the women's dance and the small ones given to youths when they were named, and in all cases they evidently refer to the old-fashioned war club (atâsâ or atâsu). This description applies particularly to Tukabahchee. Other towns are said to have had sticks in the shape of axes instead of war clubs. Besides these sticks I am told that on the front of each post on the right-hand side of the center of each bed as you face the bed notches were cut called (i)nâ'tâsâ ha'ki, "made like the atâsâ," and only men of great importance who could call councils sat next to these posts.

Jackson Lewis agreed with Hawkins in stating that in the old days when cane seats were employed there were generally only two tiers, but it is evident that the practice was different in different towns. Aside from the plan given by Swan the only attempt to represent any part of the square graphically was by a French artist who sketched what is probably the west bed of the Alabama ground in the early part of the eighteenth century. (Fig. 5.) This differs from all other illustrations and descriptions in showing four sections instead of three.

[84] Adair, Hist. Am. Inds., p. 89.

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From these descriptions it appears that the buildings of the square were anciently constructed somewhat after the fashion of a native house with a long porch. In Oklahoma they degenerated rapidly, especially after the Civil War. While I have seen one square in which the cabins were provided with a shingle roof, they are almost universally simple brush arbors. In those which retain the original idea most fully there are eight posts marking out the three ancient subdivisions, but in many grounds these have become reduced to six and in still others to four. Often, however, the tripartite division is theoretically maintained. The posts are forked at the top and bear a brush roof that is renewed every year at the time of the busk. The seats are usually of logs split in halves, laid with the flat surface uppermost. Two or three rows from front to back are made of these, but as a matter of fact many Indians, especially the principal

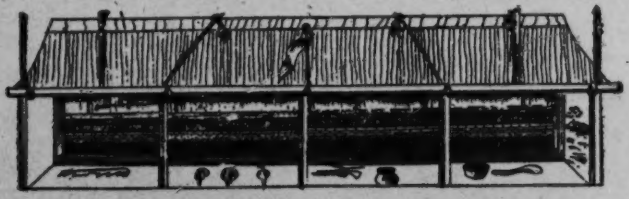

FIG. 5.—One of the beds in the Alabama Square Ground as it appeared in the early part of the eighteenth century. From a contemporary sketch. Medicine pots and spoons to right, on ground; gourd rattles to left; flag over the center pole; notched pole or stake at either end and another pair some distance in from either end; a pole carrying a scalp at the top of each intermediate post; two full-length cane seats below. Near the left end, under the front of roof, are written the words "Caban de Conseille." (From an article entitled "Documents concernant l'Histoire des Indiens," by the Baron Marc de Villiers, in the Journal de la Société des Américanistes de Paris, n. s. vol. xiv, 1922, p. 136.)

men, now use wooden chairs brought from their camps. The well-nigh universal statement, on the part of earlier white writers and the modern Indians, is to the effect that the cabins, arbors, or "beds," as the Creeks themselves call them, should be laid out toward the four cardinal points, and this holds for almost all of the modern squares. Jackson Lewis said that they used the north star as a guide in placing them. On the other hand the great square of Tukabahchee is somewhat askew, and one of my interpreters, who had formerly been the miko of that town, asserted that it was intended that the entrances should lie toward the cardinal points. This is confirmed by Hitchcock.[86a] Whether this was an established custom of some or all of the Creek towns it would now be impossible to say, but I am of the opinion that it was never universal. A change has also come about in the number of arbors. Anciently there appear to have been four without exception. At least there is no early mention of a smaller number among the Creeks proper.[86]

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[86a] See p. 188.

[86] For the Seminole, however, see Bartram in Trans. Am. Eth. Soc., vol. III, p. 36.

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With a falling off in population, however, and the conversion of many Indians to Christianity, it was found unnecessary to put up so many, and also too laborious for the workers available. Where four were preserved one or more came to be assigned to the women and children, although anciently they did not have seats on the square ground. We therefore find in many towns only three arbors, and in a few, like Alabama, only two. The ones dropped off were those which had been occupied by the boys, the visitors, and the less important officials. Łiwahali Seminole presents an extreme stage in the decline of the busk, each arbor being represented by only a single split log entirely uncovered (pl. 5, *c*). The last relic of the public ground to survive, however, was the chunkey yard, which we have yet to consider.

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Not so much attention is paid to this chunkey yard by our early authorities, Hawkins practically disregarding it, while Swan merely refers to "a May-pole, with a large circular beaten yard around it, at the southwest corner, which is called the chunkey yard."[96] Bartram gives the fullest description of the ground to be found among older writers. Following is his account in full:

"The *Chunky-Yard* of the Creeks, so called by the traders, is a cubiform area, generally in the centre of the town, because the Public Square and the Rotunda, or great winter Council-house, stand at the two opposite corners of it. It is generally very extensive, especially in the large old towns,[97] is exactly level, and sunk two, sometimes three, feet below the banks or terraces surrounding it, which are sometimes two, one above and behind the other, and are formed of earth cast out of the area at the time of its formation; these banks or terraces serve the purposes of seats for the spectators. In the centre of the yard there is a low circular mount or eminence, in the centre of which stands erect the *chunky-pole*, which is a high obelisk, or four square pillars declining upwards to an obtuse point, in shape and proportion much resembling the Egyptian obelisk. This is of wood, the heart or inward resinous part of the sound pine-tree, and is very durable; it is generally from thirty to forty feet high, and to the top of this is fastened some object to shoot at with bows and arrows, the rifle, etc., at certain times appointed. Near each corner of the lower and further end of the yard stands erect a less pillar or pole, about twelve feet high: these are called the *slave-posts*, because to them are bound the captives condemned to be burnt, and these posts are usually decorated with the scalps of their slain enemies; the scalps with the hair on them, and strained on a little hoop, usually five or six inches in

[96] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 265.

[97] "The chunky yards are of different sizes, according to the largeness and fame of the town they belong to; some are 200 or 300 yards in length, and of proportionable breadth."—Bartram.

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Some of the open-air features of the old ceremonial grounds have been preserved in the Indian churches of modern times. (Pl. 1, a and b.)

The social and ceremonial structures and grounds of the Creeks have thus undergone considerable changes both in evolution and subsequent devolution. It is probable, in fact quite certain, that those above described were not the only types to be found in the South. What may be gleaned regarding the public buildings of the Cherokee, Natchez, Choctaw, Carolinian and Floridian tribes shows that, of the arbor style of building especially, there were several types. That in vogue in the Creek confederacy was probably standardized by the selection of one particular pattern and its subsequent adoption by a certain complex of tribes. Open arbors of different character were particularly in evidence in Florida and when the Creeks invaded that peninsula they found some of these in use and probably adopted them occasionally. Certain of these invaders, such as the Oconee, had not been incorporated with the other Creeks long and may themselves have had a distinct type of building, and these would have been more in evidence before the Creek war and the submergence of the earlier Seminole in the flood of Indians which poured into Florida after that struggle. It is perhaps one such that Bartram describes in a little Seminole town "on the banks of the little lake below Charlotia." He says:

"We were received and entertained friendly by the Indians, the chief of the village conducting us to a grand, airy pavilion in the centre of the village. It was four-square; a range of pillars or posts on each side supporting a canopy composed of Palmetto leaves, woven or thatched together, which shaded a level platform in the centre, that was ascended to from each side by two steps or flights, each about twelve inches high, and seven or eight feet in breadth, all covered with carpets or mats, curiously woven of split canes dyed of various colours." [1]

As we now have seen there were four arbors or beds (Creek tupa), usually laid out toward the four points of the compass. The names given to these beds vary. Sometimes one name was applied to the entire bed, sometimes to a section, while the names themselves were somewhat different in the different towns. Nevertheless in each town there was usually a bed upon which the term chiefs' bed (mikálgi or mikági intupa) may properly be bestowed, one which may be called the warriors' bed (tástánágálgi intupa), and one the boys' bed (tcibánágálgi intupa), the last for youths busking for the first time and sometimes, at a later period, allowed to women and children except during the fast. The fourth bed is often called the "peace bed," or the henihas' bed (henihálgi intupa) and was known

[1] Bartram, Travels, p. 362.

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with the Tuskegee and Muklasa. There are reasons for thinking that the Osochi may originally have spoken Timucua.[13]

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Socially, as has already been indicated, these towns were divided into two classes which may conveniently be called White and Red, respectively, as one set was devoted to the maintenance of peace,

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N.
Chiefs' Bed
Beaver, Bird, and Deer
(there were few persons in this bed)
miko
the medicine was placed over a fire here
Warriors' Bed
The persons in this bed were mostly of the Bear clan.
Ickokus Bed
Panther, and some of the Alligator, Bear, and Aⁿ.ayatci.
Henihas and Youths, including most of the Wind clan
Youths' Bed

FIG. 33.—Plan of the Atasi Square Ground (1)

the other to the prosecution of war. There appears, moreover, to have been some sort of association between White clans and White towns and Red clans and Red towns, the chiefs of the towns of each set being chosen from the corresponding clans.[13a] At the present day, however, the Creeks themselves do not use these names. In fact there are few who can give any well-defined term for the two classes, except to call them "fires" or to call the towns opposed to

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[13] See Bull. 73, Bur. Amer. Ethn., p. 38.

[13a] See pp. 196-197.

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one's own set inkipaya, "opponents." "People of one fire" was used in a very general manner by the southern Indians to indicate an alliance. Adair, for instance, states that he appealed to the Choctaw to be "people of one fire" with the English,[1] and early documents inform us that the Okfuskee towns several times claimed that they and the white settlers of Carolina belonged to the same fire clan—i. e., to the division including the White towns. It is probable

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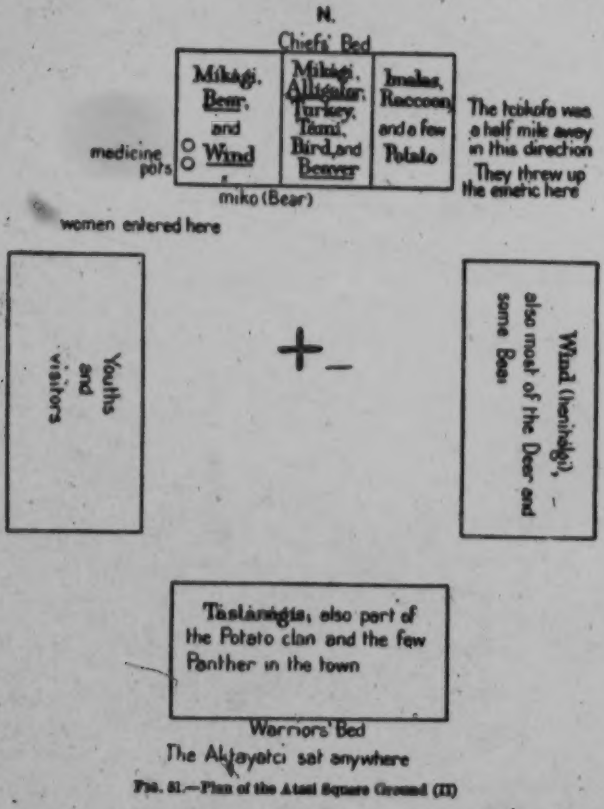
N.
Chiefs' Bed
Mikágí, Bear, and Wind
Mikágí, Alligator, Turkey, Tami, Bird, and Beaver
Imaha, Raccoon, and a few Potato
The hoikofa was a half mile away in this direction
They threw up the enemic here
medicine pots
miko (Bear)
women entered here
Youths and visitors
Wind (hemitskgi), also most of the Deer and some Bear
Tastánagis, also part of the Potato clan and the few Panther in the town
Warriors' Bed
The Aktayatci sat anywhere

FIG. 51.—Plan of the Atasi Square Ground (II)

that this was partly on account of the complexion of the newcomers and partly from the fact that the White or Peace side was that which usually took in foreign communities.

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Jackson Lewis used the name Tálwa mikágí for the White towns and Ispokogí for the Red towns. The former means "chief or principal towns;" the latter is the esoteric title of Tukabahchee, the most prominent Red town among the Upper Creeks. The first of

[1] Adair, Hist. Am. Inds., p. 399.

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At the end of the eighteenth century Benjamin Hawkins, first agent of the American Government to the Southern Indians, undertook to knit the Creeks into a firmer and more responsible organization. To carry out this plan the towns were placed in nine classes, and one or two individuals were selected to represent each. The nine classes are given as follows:

1. Okchai, Wiwohka, Pakan tallahassee, Opilläko, and Lälogälga.
2. Kealedji and Eufaula.

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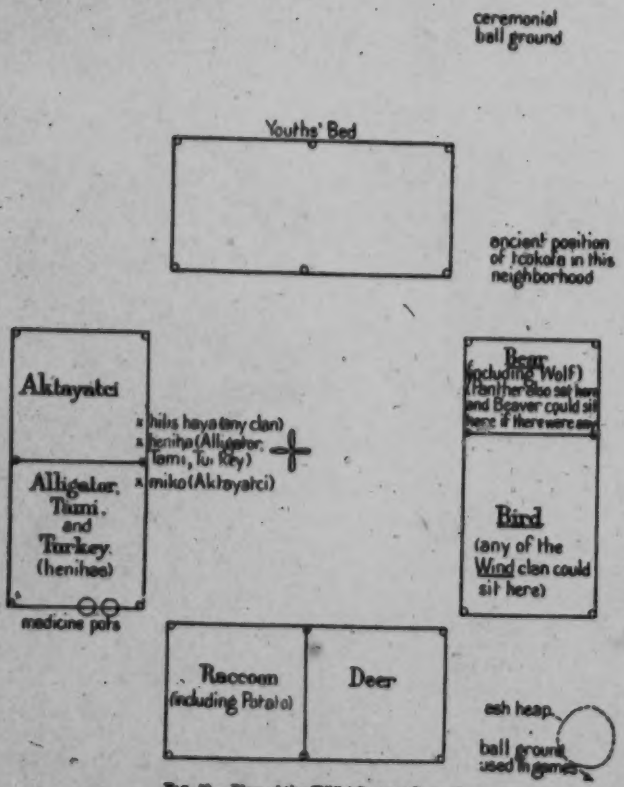
ceremonial ball ground
Youths' Bed
ancient position of Tcokofa in this neighborhood
Aktayatci
x hilis haya (tiny clan)
x henihe (Alligator, Tami, Tu. Key)
x miko (Aktayatci)
Alligator, Tami, and Turkey (henihee)
medicine pots
Bear (including Wolf) (Panther also set here and Beaver could sit here if there were any)
Bird (any of the Wind clan could sit here)
Raccoon (including Potato)
Deer
ash heap
ball ground used in games

FIG. 39.—Plan of the Hilibi Square Ground

3. Hilibi, Wakokai, and Potcas hatchee.
4. Abihkutci, Natchez, Coosa, and Eufaula hatchee.
5. Holiwahali, Kan-hatki, Sawanogi, Muklasa, and Tukabahchee.
6. Okfuskee and its branches Sukaispoga, Nuyaka, Imukfa, Tukabahchee Tallahassee, Tohtogagi, Achinaulga, Okfuskutci, and Ipisagi.
7. Otciapofa and Tuskegee.
8. Tulsa, Atasi, Fus-hatchee, and Kolomi.

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619 631 stands first and Lower Creeks will assign the place of honor to Coweta. Tukabahchee is certainly first in size and first in the regard in which it is held by those who keep to the old customs, but if one goes back into the earlier history of the Creeks as revealed in documents it becomes plain that Coweta was regarded as leader. Its chief was at one time honored by the Whites with the title of "emperor" and the name Coweta was extended over all of the Lower Creeks.[53]

622 A French writer gives the following picture of the Coweta chief at the period of the Yamasee war (1715), though it is unlikely that he had as much to do with the inception of that contest as is represented:

"The nation of the Caoüita is ruled by an emperor who in 1714 [1715] had all the English destroyed, not only all those who were in the nation but also those among the Abecá, Talapouches, Alibamons, and Cheraqui. . . . They [the English] made the emperor very great presents to regain his friendship and that of his nation. The French also give him presents as do the Spaniards, which makes him very rich, for the French who go to visit him are served in silver vessels. He is a man of good appearance and good character. He has many slaves who are busied night and day preparing food for those coming and going on visits to him. He seldom goes afoot, always having horses well caparisoned, as do many of the people of his village. He is absolute in the nation (i. e., among the Lower Creeks). He has a quantity of cattle and kills some of them at times to regale his friends. No one has ever been able to make him take the side of any one of the European nations which are acquainted with him, for he asserts that he wishes to see everyone, to be neutral, and not to espouse any of the quarrels which the French, English, and Spaniards may have with one another."[54]

619 631 642 648 •177 The headship of Coweta became a matter of importance in the early part of the nineteenth century when negotiations were inaugurated by the whites for the removal of the Indians constituting the Creek confederacy. The Lower Creeks being much more favorably disposed to the plan than those of the Upper towns, white officials strove to make as much of the primacy of Coweta as possible. In a letter written by Duncan G. Campbell to John C. Calhoun, Secretary of War, December 18, 1824, he says:

"This Coweta town is the most extensive and numerous in the nation, and claims to be the original town of the whole tribe, and that all others are its branches. In proof of this priority of standing I beg leave to refer you to our journal, which contains a communication from the council of the 11th of December, in which they say that 'the first red people that ever visited the whites were from the Coweta

[53] The title was given both by English and French. See Bossu, Nouv. Voy., vol. II, p. 67. The latter writer adds, however, that the town chiefs refused to give up their independence and change the ancient organization.

[54] French Memoir of 1725, Ms.

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town.' The like proof was contained in an observation of the Little Prince during the negotiation. In argument, an old treaty was referred to, which had been concluded between the Creeks and the state of Georgia. Its authenticity was denied, on the ground that 'no Coweta chief had signed it.' Coweta is on both sides of the Chattahoochie; contains McIntosh, the Little Prince, Tome Tuskumuggee; and extends from Broken Arrow to the Cherokee boundary. It is worthy of remark, that the treaty of 1821, concluded at the Indian Springs, is signed by but two chiefs on the Alabama side of the nation. The fact is, that McIntosh maintains the right of the Coweta town alone to dispose of the whole country. It would seem that the upper towns conceded this authority, and dreaded its exercise; for the utmost consternation was discoverable whenever it was known that the commission (the Commissioners) and the Coweta chiefs had had an interview.[55]

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A much longer brief for the supremacy of Coweta is given in the volume from which the above is quoted. This was compiled by Joseph Vallence Bevan for the State of Georgia,[56] and is in consequence an ex parte document like the one quoted. On the other hand, the speaker for the Tukabahchee chief, the famous Hoboi-hil yahola, who represented the sentiments of most of the Upper Creeks, delivered a "talk" to the United States commissioners at Indian Springs, Friday, February 11, 1825, opposing some of the claims of Coweta. He said in part:

"We met you at Broken Arrow, and then told you we had no land to sell; I then heard of no claims against the nation, nor have I since. We have met you here at a very short notice, and do not think that the chiefs who are here have any authority to treat. General McIntosh knows that we are bound by our laws, and that what is not done in the public square, in general council, is not binding on the nation. I am, therefore, under the necessity of repeating the same answer as given at Broken Arrow, that we have no land to sell. I know that there are but few from the upper towns here, and many are absent from the lower towns.

"General McIntosh knows that no part of the land can be sold without a full council, and without the consent of all the nation; and, if a part of the nation choose to leave the country, they can not sell the land they have, but it belongs to the nation. From what you told us yesterday, I am induced to believe that it may be best for us to remove, but we must have time to think of it; and, should the chiefs who are here sell the land now, it might create dissentions and ill blood among the Indians. I have received a message from my head chief, the Big Warrior, directing me to listen to what the com-

[55] Am. State Papers, Ind. Aff., vol. II, p. 573. [56] Ibid., p. 788.

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537 a very pathetic, elaborate, allegorical, tragic oration, in the high praise, and for the great loss, of their great, judicious war-chieftain, *Shu-las-hum-máh-tà-be*, our daring, brave friend, *red shoes*. The orator compared him to the sun, that enlightens and enlivens the whole system of created beings: and having carried the metaphor to a considerable length, he expiated on the variety of evils, that necessarily result from the disappearance and absence of the sun; and, with a great deal of judgment, and propriety of expression, he concluded his oration with the same trope, with which he began."[64]

642 Stiggins tells us that the confederate council was in reality without power. He says:

"The form of Government under which they live is a tyrannical oligarchy in its principles and practiced under that head to the full extent. At a slight view the most of people suppose and say that it is a democracy on republican principles but it is far different, for all public business whether of a national or private character is done by the chiefs. Though the nation is summoned in what is termed their grand council, when the state of the nation is supposed to be examined into, and their oral laws made, the assembly say not a word in the matter. For while in their sittings the assembled body of the nation sit as mutes, without being consulted in any manner until a few chiefs in their council house make the laws for their government without condescending to ask an opinion or approbation in any case, the national body being merely convened to hear what is done, for after a law is digested by the chiefs the national convention is informed of its tendency by the orator of the nation in a very exact and precise manner, who moreover informs them of all that has been transacted, which new law when they are made acquainted with its tendency, let it be as it may, they are the most obedient subjects under the sun to the penalties of it, be it oppressive or not. Should they infringe the law they will suffer beating, confiscation of their property or even death without a murmur or family resentment. Moreover, should an Indian be obstreperous in contending for his right of property or otherwise or obtrude on the right or even interests of a chief, the chiefs can so far tyrannize after a consultation as to have him beaten or slain, as a common disturber of the peace, without any other imputation of guilt than a law breaker as they term it.

642 "In former days in the time of their self importance and undisturbed government, before an agent was located in the nation by the
648 U. S. to improve their morals and reform their customs, their ordained chiefs were more rude, active, and despotic and more frequent
177 in their mandates of tyranny, and not near so uniform and circumspect in their deportment as now toward the common men. In later years the principal chiefs or great men of the nation have been

[64] Adair, Hist. Am. Inds., p. 11.

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increased to about fifteen in number. Their nomination has been approved as such by the agent of the Government and recognized as such by all the tribes. They are invested with power and authority to superintend the affairs of their national Government with the incumbent duties annexed, such as receiving the national salary from the agent of the U. S. and paying their public debts, which they seemingly do with a national concurrence. For they never undertake or do any important business without a national convention when the chiefs deliberate and through their orator inform the assembled body of the nation, of what they have determined and dismiss them."[65]

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In speaking of the lesser members of the class called mikági Stiggins says farther on: "They attend the appointed national calls only as mutes, for in the national assembly none have a voice but such as are appointed to national purposes."[66]

Duncan G. Campbell, in his letter to John C. Calhoun, Secretary of War, written December 18, 1824, and cited above, says:

"Upon the subject of the government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of chiefs, of various grades of authority. The Big Warrior is head chief of the upper towns, and McIntosh of the lower; he is also speaker of the nation. The Little Prince is highest in authority, being head chief of the nation; and has been uniformly the friend and adherent of McIntosh."[67]

It is not entirely plain whether the "council" here mentioned was the council of chiefs or the general assembly. The "great number of chiefs" would seem to suggest something more impressive than the body of 15 described by Stiggins, but we shall see presently that certain economic causes operated to increase the membership of the higher assembly very rapidly, at least after the removal of the tribe beyond the Mississippi.

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Valuable additional information regarding the entire government of the nation in the early part of the nineteenth century, after it had emigrated to the west, is given us by Hitchcock, who says:

"The whole Creek Nation is composed of two parties, which were designated in the old Nation east of the Mississippi River, as the Upper and Lower Towns, sometimes called Upper Creeks and Lower Creeks. They are still to a considerable extent distinct. The Upper Creeks are principally on the Canadian and the Lower Creeks are on the Arkansas.

"These parties have separate Head Chiefs. At present the Principal Chief of the Lower Creeks is Roly McIntosh, as Tommarthle

[65] Stiggins, MS. Hist. Narr., pp. 13-15.
[66] Ibid., p. 16.
[67] Am. State Papers, Ind. Aff., vol. II, p. 570.

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chiefs, and their legislature or council of about forty minor chiefs or captains, who are also, *ex officio*, justices of the peace." [68]

The economic causes operating to increase the number of chiefs, to which reference was made above, are indicated in a communication to the Commissioner of Indian Affairs under date of September 15, 1851, by Philip H. Raiford, agent of the Creek Indians. He says:

"The rude and irresponsible form of government by chiefs still prevails among them. The chiefs all receive salaries in proportion to their grade and rank, or, in other words, a larger share of the common fund of the tribe than the great mass of the Indians. The result of this system has been a great increase in the number of chiefs, until they now amount to about eight hundred, or one to every twenty-five souls; and, as the moneys due from the Government to the tribe are now paid to the chiefs, and they have it in their power to fix their own salaries, a large portion of the funds of the nation is divided out among themselves, and but little left for the great mass. Great wrong and injustice are thus done to the common Indians; and, as they are beginning to perceive and become dissatisfied with the system, and the evil continues to increase by the increase of chiefs, the result before long will inevitably be serious—internal dissentions and difficulties, if not strife and bloodshed, between the chiefs and their partisans on the one hand, and the common Indians on the other, unless the Government interposes some remedy for this unfortunate state of affairs." [70]

The word "chief" as employed by Mr. Raiford evidently does not refer merely to the class of mikàgi. Apparently it included the principal mikos, the isti àtcagàgi, and the leading henihas and tàstànàgis. We are not to suppose that the great increase in the number of chiefs of which this agent speaks was due to a desire on the part of the chiefs to share their privileges; it was rather for the purpose of securing those privileges by taking into partnership all who might have been powerful enough to endanger them. Another Indian agent, James Logan, writing some years before, in 1845, speaks of the abuse as follows:

"The annuity, amounting to [$]34,500, is paid to the principal chiefs of both [Upper and Lower Creeks], and equally divided between them, and by them distributed. . ." [71] The chiefs appropriate the whole of this large amount to the pay of themselves and their subordinates. This mode of distributing it is much complained of by the intelligent portion of the community, who are now far from being inconsiderable, and the right thus arrogated by the chiefs of doing what they please with the annuity much questioned. But they are vested with so much power, and have inspired so much awe and fear

[68] Gregg, Commerce of the Prairies, in Early Western Travels, vol. 20, p. 315.
[70] Report of the Commissioner of Indian Affairs for 1851, p. 122.
[71] The writer refers here to an unpublished document for confirmation.

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642 622 177 in the minds of the people generally, that they are restrained from making a public expression upon the subject. Indeed, I question very much whether there could be found many who would, before them, say that they objected to their acts in any particular. This I have sought for in regard to the annuity, and have failed to accomplish, owing to the preponderance of the chiefs and law makers, etc., and to the cause above stated."[72]

The abuse became so great that payments were finally made directly to the heads of families and the old privileges of the chiefs abolished. They suffered the same fate that betook the ringleaders in a certain conspiracy formed not long ago by some of the members and employees of a large corporation. In order to keep what was going on quiet, it was necessary to let more and more into the ring, which finally became so large that the secret leaked. The oligarchic character of the Creek federal government as revealed by Stiggins and these Indian agents clashes rather oddly with what Adair says of its democratic character, but evidently the government of the confederacy was farther removed from the masses of the people than the government of the towns, and with the disappearance of war positions came to be held less on account of merit and more because of family connection and personal "pull." In the erection of a federal government over and above the former tribal governments the mass of the people had not succeeded in holding firmly to the reins of power; still such great abuses would probably not have arisen had it not been for the decline of the merit element in promotions and the cupidity excited by United States Government annuities.

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646 622 The most complete account of the general council as it existed after the removal to Oklahoma was furnished Schoolcraft by Mr. D. W. Eakins, whom Schoolcraft describes as "for some time a resident of the Territory now occupied by them west of the State of Arkansas." These facts were "communicated in reply to printed inquiries issued in 1847, respecting the History, Present Condition, and Future Prospects of the Indian Tribes of the United States."

The answers covering this subject may very well be run together.

"The general council of the Creek Indians consists of a representation from the whole tribe, as divided into towns. This council, composed of the chiefs, is vested with *plenary* power, to act for the whole tribe. Their *verbal summons* or decisions, have all the force of a written document; these decisions are announced in general council; and also recorded by the clerk. Their authority, (as among the principal chiefs,) is often assumed. Their authority is delegated to them, (in many cases,) by virtue of their standing and influence. They are at all times open to popular opinion, and are the mere

[72] Report of the Commissioner of Indian Affairs for 1845, pp. 314-317.

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"Decisions made by the chiefs in council are carried into effect implicitly. In cases of capital punishment, the executioner is selected from a body of men called 'the Light Horse.' He uses neither tomahawk, club, nor arrow. The gun is generally selected as the instrument of execution. If the culprit has no choice of place for execution, the executioner may appoint the place, which is generally selected with reference to a convenience for burial. In case of the restoration of property, a messenger is sent to the parties. There is, however, no regularity on this subject.

"In case of a vacancy by death or otherwise, the office is filled by the selection of the General Council. Sometimes the vacancy is filled by the town to which the chief belonged, and then brought before the General Council for sanction. In case of a vacancy among the leading chiefs, the vacancy is filled by the General Council. The chiefs may be deposed from office for gross outrage." [2]

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Logan, the agent quoted above, furnishes the following additional information about the Creek government of his time:

"Each party [i. e., both the Upper and Lower Creeks] has its own head chief, etc. Roly McIntosh, the chief of the Lower Towns, is also vested with the dignity of head chief of the nation, and he presides as such in the general council of the nation, which generally convenes once a year, but at no particular period. Its deliberations are confined to subjects exclusively national, and which affect both parties in common. Those subjects having reference to their own party concerns meet the action of their own councils, which are held separate and distinct, and in which neither interferes with the other. They are conducted precisely similar, and are composed of the chiefs and law-makers of the different towns (or more properly clans) adhering to each party. These chiefs are generally selected from the older citizens. In point of intelligence, they cannot compare with private individuals, who generally do not desire such dignities. Generally speaking they are extremely ignorant, are noted for their superstitious bigotry, for their old customs and ceremonies, and most bitter prejudices against all measures calculated to reform the condition or enlighten the minds of their people. There are, however, a few honorable exceptions, but they are far in the minority, and their councils have but little weight. They are opposed to [the Christian] religion and education, more particularly the former, conceiving very justly that it has a tendency to lessen their authority, and to abolish their old rites and ceremonies, of which they are particularly tenacious. They have gone so far this year as to exact a fine of from two dollars to three and a half dollars a head upon all non-attendants at their 'busks,' green corn dances, etc., or who do not drink the physic, a most nauseous compound of poisonous weeds. Their authority is often exerted arbitrarily, and their laws are unjust and unnecessarily severe. It is a standing law of the nation, 'if any

[2] Schoolcraft, Ind. Tribes, vol. 1, pp. 275-277.

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person preach or hold religious meetings, whether white or red, he shall for the first offence receive fifty lashes on his bare back, and for the second offence one hundred lashes.' To maintain their authority, they support, out of the annuity, an immense number of subordinates, known as law-makers, light horse, etc. The people stand in much awe of them, and blindly pay them the obedience they exact; they have no voice in their appointment nor in their acts: when a vacancy occurs, the place is filled not by an election, but by the nomination made by some noted chief." [74]

Logan is decidedly too severe in his criticisms of the conservative party who were in the nature of things bound to be opposed to the spirit of innovation of which he was a part. While the nature and amount of the fines exacted from those who absented themselves from the busk were no doubt determined at the council of which he speaks, the principle was by no means new.

The practical effect of the Confederate government on the bulk of the people was probably about as indicated in the following lines intended to apply to southern confederacies generally:

"Every town is independent of another. Their own friendly compact continues the union. An obstinate war leader will sometimes commit acts of hostility, or make peace for his own town, contrary to the good liking of the rest of the nation. But a few individuals are very cautious of commencing war on small occasions, without the general consent of the head men: for should it prove unsuccessful, the greater part would be apt to punish them as enemies, because they abused their power, which they had only to do good to the society.[75]

Councils in which all of the towns, or as many of them as chose to do so, took part were certainly held at a period as early as an organization existed that could be called a Creek confederacy, but they seem to have been at irregular intervals and at no determined place. And as we have seen, the Lower Creeks and the Upper Creeks each had an independent council. It is likely that, if we could examine some of these old councils we should find a certain regular method of seating the different chiefs, and a certain procedure, but only the above scraps of information regarding them have come down to us. In Adair's time we learn that the French at Fort Toulouse in the forks of the Alabama River endeavored to foment civil war among the Muskogee especially through the hold they had on the small tribes other than Muskogee about their fort, but the Creek chiefs in council compelled them to desist.[76] In the Georgia colonial documents we read of a number of councils. One of these was represented by nine towns, of which two belonged to the Lower Creeks and seven to the Upper Creeks. Another was attended by 21 towns, of which 6 were Lower towns and the balance Upper. At a council of Lower

[74] James Logan in Report of the Commissioner of Indian Affairs for 1845, pp. 315-316.
[75] Adair, Hist. Am. Inds., p. 423.
[76] Ibid., pp. 225-226.

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Writing in 1791, Swan says:

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"The most influential chiefs of the country, either in peace or war, are the Hollowing King, of the Cowetas; the White Lieutenant, of the Oakfuskies; the Mad Dog King, of the Tuckabatchees; the old Tallassie King Opilth-Mico, of the Half-way House at Big Tallassie; the Dog Warrior, of the Natchez; and Old Red-shoe, King of the Alabamas and Coosades. A treaty made with the before-named chiefs would, probably, be communicated to all the people of the country, and be believed and relied upon." [79]

It is worthy of note that the Coweta chief is the only Lower Creek chief mentioned, the inference being that through the personal force of this man or the preponderating influence of his town all of the other Lower Creek towns could be controlled. Of the five Upper Creek chiefs only one, the chief of Tukabahchee, represents a Red town, or a town that belonged to the Red side at that time; two, the Okfuskee and Big Tulsa chiefs, represent the old Coosa element, and two, the Natchez and Alabama chiefs, the non-Muskogee element. It is probable, however, that the Dog Warrior of the Natchez represented equally his own people and the Abihka. All the Upper Creek towns having any pretensions to leadership are thus represented except Otciapofa and the omission of this is at once explained when we remember that it was the town of Alexander McGillivray, at that time unofficial dictator of the entire nation. Swan assumes his cooperation without specific mention.

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The Creek organization in the eighteenth century would appear from this information to have been about in the same condition as it was in the early part of the nineteenth—a loose confederation led by from two to four towns and holding irregular councils, the different sections of the nation often counselling apart, comparative absence of internal warfare and continuous but rarely unified warfare against neighbors. Regarding the latter point it is interesting to note that in the Creek-American war of 1813 not only did the Lower Creeks actively assist the whites, but a large number of Upper Creek towns refused to have anything to do with the hostiles. Among these were Abihka, Natchez, Tukabahchee and some of her allies, Kealedji, and, in the beginning at least, Łałogälga and Upper Eufaula. Hilibi remained neutral as well but was attacked without warrant by an army of whites and severely handled.

It is to be observed, however, that a considerable change took place both internally and externally after white contact tending to increase the power and importance of the confederacy much beyond its primitive condition. Thus, in De Soto's time the Kasihta and Coosa, the representatives of the Lower and Upper Creeks, were noteworthy and powerful tribes but only to a certain extent superior to many

[79] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 263.

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others, such as the Utina, Potano, and Apalachee of Florida, and the Chiaha, Tali, Mobile, and many more farther north. It is even uncertain whether at that date any sort of confederacy existed. As time went on, however, the Florida tribes were destroyed or scattered, and the same fate overtook the Yamasee, the Indians of the Georgia coast, and the smaller tribes in the neighborhood of South Carolina. This served to increase the power of the Creeks proper, both by weakening that of their neighbors and by causing many fugitive tribes to unite with them and add to their fighting force. Leaving out of consideration the Hitchiti, Alabama, Koasati, and Tuskegee, who were incorporated almost before the dawn of clear history, we have very exact information of the incorporation of the Yuchi, which had formerly been an independent and hostile tribe, of part of the Shawnee, and of the remnant of the Natchez. This system of adoption resulted in the strengthening of the confederacy about in proportion to the weakening of its neighbors, until finally but one tribe remained, the Choctaw, able to contend with it on anything like equal terms. This latter, it is to be noted, owed its strength not so much to incorporation of fugitive elements as to a location where it was for a long time protected against European encroachment, intensive cultivation of the soil, and an unwarlike disposition—all contributing to a steadily mounting population. The Choctaw government was very feebly centralized for the same reason until very late times when it was much strengthened as a result of constant attacks on the part of Chickasaw and Creek enemies. The Creeks, on the other hand, had adopted their federal union very early, probably in part as the result of pressure from without, and as this pressure was increased by the approach of white settlements the sense of danger tended to accelerate the centralization. It thus happened that in the last quarter of the eighteenth century conditions were ripe for the evolution of a still more closely knit state, and merely awaited the advent of the man who could bring it about. And such a man appeared.

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A critical life of Alexander McGillivray would be a distinct contribution to southern history, but it is not germane to our purpose. Doubtless much that has been written regarding him is inaccurate and I do not vouch for all the facts given in the following account by Swan, but of the revolution he accomplished in Creek government there can be no doubt. Swan says that his title was Steutsa'cco-Cho'ota' which is evidently a very bad attempt at isti àtcagàgi làko, "great honored or beloved man."[89] He goes on:

"The present great beloved man, who left Georgia in disgust about the year 1776, and attached himself to the upper Creeks,

[89] His Indian name, however, is given by Pope as "Hippo ilk Meco, or the good Child King." In correct Creek this would be Hobol-hili miko, but there is reason to think that McGillivray did not belong to a clan which would entitle him to be called miko.

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where he was born, by the advice of his father immediately set about placing himself at the head of the nation. His kindred and family connexion in the country, and his evident abilities, soon gave him such influence among them that the British made him their commissary, with the rank and pay of Lieutenant-Colonel, under Colonel Brown, then superintendent.

"After the English had abandoned the nation, in 1782, this beloved man found it necessary, in order to carry on the war with success against the Georgians, to undertake a reform in the policy of the nation, which had for a long time been divided by faction.

"He effected a total revolution in one of their most ancient customs, by placing the warriors in all cases over the micos or kings, who, though not active as warriors, were always considered as important counsellors. The micos resisted this measure for some time; and the struggle became at last so serious, that the beloved chief had one Sullivan and two others, partizans of the micos, put to death in the public squares. They were all three white men who had undertaken to lead the faction against him; but he finally crushed the insurgents, and effected his purposes.

"The spirit of opposition still remained against him in the old Tallassie king, Opilth Mico, who, with his clan, pronounced M'Gillivray a boy and an usurper, taking steps that must be derogatory to his family and consequence. And under these circumstances he undertook to treat separately with the Georgians. The consequences were, his houses were burnt in his absence, and his corn and cattle destroyed. Notwithstanding, he remained refractory for a long time, as well as some of the most important of the lower towns, until, finding the Georgians aimed at them indiscriminately, and a Mr. Alexander had killed twelve of their real friends (the Cussutahs), they dropped their internal disputes, and united all their efforts, under the great chief, against the frontiers."[a]

Swan adds some interesting particulars regarding the means resorted to by McGillivray to secure his authority. He kept the several towns in obedience by threatening to remove the white traders from among them. He encouraged the presentation of complaints by all parties but put off judgment so long that the parties usually settled the matter between themselves, thereby relieving him of the necessity of delivering a verdict unfavorable to one of them and attracting personal enmity in consequence. Another device, as old as tyranny, was to collect about himself a body of retainers. Swan says:

"Some young men of his relations, and several active warriors living about Little Tallassie, whom the chief keeps continually attached to him by frequent and profuse presents, serve him as a

[a] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 281.

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kind of watch, and often in the capacity of constables—pursue, take up, and punish, such characters as he may direct; and on some occasions have acted as executioners.

"It is a maxim of his policy to give protection to outlaws, debtors, thieves, and murderers from all parts of the country, who have fled in great numbers from the hands of justice, and found an asylum in the Creek nation. The whites living among the Indians (with very few exceptions), are the most abandoned wretches that can be found, perhaps, on this side of Botany Bay; there is scarcely a crime but some of them has been guilty of. Most of the traders and all their hirelings and pack-horse-men, are of the above description." [82]

McGillivray's father, Lachlan McGillivray, was a Scotchman loyal to the crown, and from him and his sojourn among the whites Alexander had gained sufficient astuteness to know how to deal with the colonists, along with a prejudice against their cause. His government, it will be seen, resembled rather a Greek tyranny than the military democracy to which Swan likens it. It must be added, however, that McGillivray's power was due rather to his shrewdness and his understanding of the Indian mind than to the exercise of autocratic authority, though, as we have seen, he could use the iron glove on occasion. McGillivray belonged to the Wind clan,[83] and although this clan held an exalted position in the tribe, none of the officials of Otciapofa, his proper town and that which he made his capital, were Wind people. This explains in part his adoption of the term "great beloved man," one which could be held by a member of any clan. The government as I have described it also explains the appellation of "grand chief" which Milfort applies to McGillivray.[84] Milfort was probably one of those outsiders whom McGillivray gathered about him. That he was made a tastánagi is probable, but, as has been stated above, the name did not carry the significance which Milfort attaches to it of "head war chief" of the nation.

Milfort and Pope both confirm Swan's statement regarding the internal revolution effected by McGillivray, except that where the former says "nation" we must substitute "town," or "towns." His words are:

"The Tastanégy or grand war chief formerly had no part in the internal administration, his authority lasted only as long as the war: but now, he is the first civil as well as the first military chief of the nation." [85]

Says Pope:

"M'Gillivray who is perpetual dictator, in Time of War subdelegates a Number of Chieftains for the Direction of all military

[82] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 262.
[83] Milfort, Mém., p. 326; Swan in Schoolcraft, Ind. Tribes, vol. v, p. 280.
[84] Ibid., pp. 40-41 et seq.
[85] Milfort, op. cit., p. 267.

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Operations; and when the War concludes, they, in Compensation for their martial Achievements, are invested by the Dictator with civil Authority which supersedes the hereditary Powers of their Demi-Kings." [86]

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It is hardly likely that the Indians would have suffered a violent injection of outside officials into their local governments, and it is therefore probable that the men elevated to positions of control in this manner were the "big warriors" (tástánagi láko) in their respective towns. During a period of almost perpetual war the influence of the war leaders was certain to be enhanced in any event; McGillivray simply took advantage of this and continued their war powers into times of peace.

After McGillivray's death, February 17, 1793, no man appeared of sufficient force and tact to take his place and the government seems to have slipped back, at least in part, into the ancient channels.

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Some hints have already been given regarding this government, particularly its council of chiefs and national assembly, as well as the leadership of certain towns. The primacy of Coweta,[87] both over the Lower Creek towns and over the whole nation, appears to have been reasserted, Tukabahchee assuming the headship of the Upper Creeks and the secondary position in the confederacy.

A few years after the death of McGillivray, Benjamin Hawkins, United States agent in charge of the southern Indians, attempted to introduce certain innovations into the Creek government, and indeed he asserts that before the adoption of his plan they had been without a national government of any sort. In the light of other facts such a sweeping statement can not be accepted. His innovations merely tended to make systematic and stable an authority which had before been relatively loose and casual. He thus recounts the results of his efforts:

"At a meeting of the national council, convened by order of the agent for Indian affairs [i. e., Hawkins himself], at Tookaubatche, the 27th November, 1799, the chiefs, after a long and solemn deliberation, on the affairs of the nation, which were laid before them by the agent for Indian affairs, came to a resolution to adopt the plan of the agent, "to class all the towns, and to appoint a warrior over each class, denominated the warrior of the nation."

"The towns thus classed, with the warriors for the nation, are:

"1st. Hook-choie, We-wo-cau, Puc-cun-tal-lau-has-see, O-pil-thluluc-co and Thlot-lo-gul-gau. For these five towns they appointed Sim-mo-me-jee ["Doing-it-for-them"] of Wewocau.

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[86] Pope, Tour, p. 66.

[87] In the American State Papers (Indian Affairs, vol. I, p. 700) is a long historical account of the relations between the whites and the Creek Indians, compiled by Joseph Vallence Bevan for the State of Georgia. His object is to show that the sanction of Coweta to a treaty ceding land rendered the treaty valid, and this prejudiced viewpoint must be allowed for, although, as we have seen, the primacy of Coweta among Creek towns at one period was certainly a fact.

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"2d. Ki-a-li-jee and Eu-fau-lau. For these two towns, they appointed E-maut-lau Hut-ke.

"3d. Hill-au-bee, Woc-co-coie and Pochusehatche. For these three towns they appointed Cussetuh Tus-tun-nug-gee, of Hill-au-bee, and Thle-chum-me Tustunnigge ["Łidjámi Tástánągi], of Woc-cocoie.

"4th. Au-bee-coo-che, Nau-che, Coosau and Eu-fau-lau-hat-che. For these four towns, they appointed Olchtau Haujo [Holahta hadjo].

"5th. Ho-ith-le-wau-le, Ecunhutke, Sauvanogee, Mook-lau-sau and Took-au-bat-che. For these five towns, they appointed O-poie E-maut-lau [Hobayi Imała], of Ho-ith-le-waule. . . .

"6th. Oc-fus-kee and its villages, Sooc-he-ah, New-yau-cau, Immook-fau, Took-au-bat-che Tal-lau-has-see, Took-to-cau-gee, Au-che-nau-ulgau, Oc-fus-coo-che, and E-pe-sau-gee. For this town and its villages, they appointed Hopoie Tus-tun-nug-gee, of Oc-fus-kee, and Tal-lo-wau-thlucco Tus-tun-nug-gee.

"7th. O-che-au-po-fau and Tus-kee-gee. For these two towns, they appointed Ho-po-ithle Ho-poie.

"8th. Tal-e-see, Aut-tos-see, Foose-hat-che and Coo-loo-me. For these four towns, they appointed Foose-hat-che Tus-tun-nug-gee, of Tal-e-see, and Eu-fau-lau Tus-tun-nug-gee, of Foose-hat-che.

"9th. Hook-choie-oo-che, Coo-sau-dee, E-cun-cha-te, Too-wos-sau, Pau-woc-te and At-tau-gee. For these towns and villages, they appointed Ho-ith-le-poie Hau-jo and Tus-tun-nuc, of Hook-choie-oo-che." [88]

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To what extent this plan of government was put in force seems uncertain, but the primacy of Coweta and Tukabahchee continued, as is shown by numerous statements in the documents of the first half of the nineteenth century. We learn that in 1814 the "Little Prince" was head chief of the entire nation—though one writer refers to him as "the chief speaker." He belonged to Łikatcka, which, as we have seen, was a branch of Coweta. At the same time we are told that Tástánągi łáko, the "Big Warrior," a Tukabahchee, was "speaker for the Upper Creeks," Tástánągi hopai speaker for the Lower Creeks, and William McIntosh head chief of Coweta.[89] From what Hodgson says it is evident that in 1820 the Little Prince and the Big Warrior occupied the same positions, although they are both called "Chief Speakers of the Nation" as if their authority were coordinate. Hodgson adds, "The most popular and influential person, however, in the Nation, is Mackintosh, the Head Warrior, a half-breed, under forty years of age; who is consulted on every occasion, and who, in a great measure, directs the affairs of his country." [90]

[88] Hawkins in Ga. Hist. Soc. Colls., vol. III, pp. 31-32.
[89] Am. State Papers, Ind. Aff., vol. II, pp. 571, 575.
[90] Hodgson, Journ., p. 367. In one place (Am. State Papers, Ind. Aff., vol. II, p. 571) McIntosh is called "Speaker of the Nation."

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642 of the Tukabahchee group. This statement remains unsubstantiated. The same man also stated that the Lower Creeks had two chiefs, "one governing on each side of any stream," but this would seem to refer to the chiefs of the Kasihta and Coweta, the lands of which were separated by the Chattahoochee River.

Writing in 1839, when the removal to the west was not completed, Farnham says:

"The civil government of this tribe is less perfect than that of the Cherokees. There are two bands; the one under McIntosh, and the other under Little Doctor. That led by the former, brought with them from their old home written laws which they enforce as the laws of their band. That under the latter, made written laws after their arrival. Each party holds a general council. The members of each are hereditary chiefs, and a class of men called councillors. Each of these great bands is divided into lesser ones; which severally may hold courts, try civil and criminal causes, sentence, and execute, &c. Laws, however, are made by the general councils only; and it is becoming customary to entertain trials of cases before these bodies, and to detail some of their members for executioners. The legislative, judicial, and executive departments of their government are thus becoming strangely united in one." [84a]

Eakins says "every hundred persons has a right to elect a chief, who represents them in general council." [85]

642 643 From the time of their emigration until after the Civil War the Lower and Upper Creeks remained aloof from each other. Roly McIntosh,[86] first chief of the former division in the west, was succeeded by Moty Kennard, and when the latter died his second chief, Yakinha miko, took his place. Tukabahchee miko, often spoken of as chief of the Upper Creeks, was in reality their principal medicine maker. His fields were cared for by the people of Tukabahchee and he was allowed a salary of $500 from the Creek treasury. In 1842–43 the Upper Creek chief was Tamali miko.[86a] When the Creek constitution was adopted Itco hadjo miko occupied the position.

642 •177 As is well known the Creeks split into two factions on the outbreak of the Civil War and became pretty thoroughly demoralized. After it was ended a great council was held near Okmulgee, a constitution was adopted and a new government set up, modeled to some extent on that of the United States. There were two deliberative and legislative bodies called the House of Kings and the House of Warriors chosen from the different districts and two head chiefs, a first and a second, elected every four years by the entire nation. He who received the highest number of votes was made first chief and he

[84a] Farnham's Travels, in Early Western Travels, vol. XXVIII, pp. 139–180.

[85] Schoolcraft, Ind. Tribes, vol. I, p. 276.

[86] It appears from a writer in Schoolcraft (Ind. Tribes, vol. I, p. 267) that the second chief of the Lower Creeks under McIntosh was Benjamin Marshall.

[86a] See pp. 215–216; Stanley in Smithson. Misc. Colls., no. 33, p. 13.

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who received the next highest second chief, no matter whether the two so chosen had run upon the same ticket or not.

The following first and second chiefs were elected after the adoption of this constitution:

HEAD CHIEF	SECOND CHIEF
Samuel Chicote of Sawokli (served three or four terms).	Itco hadjo miko.[97]
Lötca hadjo of Abihkutci (or Nuyaka) (served three months and was then impeached).	Ward Coachman, of Alabama.
Ward Coachman (filled out the rest of the term).	(Left vacant.)
Joseph M. Perryman, of Okmulgee (one term).	(Uncertain.)[98]
Legus Perryman of Okmulgee (two terms).	Hotálgi imala of Okchai.
Ispahihtca of Kasihta (one term).	Roly McIntosh of Tuskegee.
Pleasant Porter of Okmulgee (one complete term and part of a second term).	Moty Tiger of Tukabahcee.
Moty Tiger (completes term).	(Left vacant.)

Pleasant Porter was the last chief regularly elected. Moty Tiger was succeeded by the late G. W. Grayson, of Coweta, mentioned so often in this report, who was appointed by President Wilson. Mr. Grayson died in office and his son Washington Grayson was appointed his successor. When he resigned the position was conferred upon George Hill, of Tulsa Canadian.

The chiefs elected after the adoption of the constitution were not necessarily heads of the towns from which they came, and it is said of Tukabahchee miko, before that time, that he was transferred by special agreement from the Chiefs' bed at Tukabahchee to that of the Warriors because he could not be withheld from making addresses, and the delivering of addresses on the part of the town chief himself was contrary to custom. Itco hadjo miko was a tástánagi or an imala, Samuel Chicote was only a tásikaya, Hotálgi imala was a great war speaker (holibonaia) and also an imala, and Moty Tiger a tástánagi. Miko hátki, given by Cook as second chief under Chicote, was, however, chief of his town, Tulsa. It is worthy of note that the ablest leaders, after the adoption of the constitution, were from the non-Muskogee towns, Ward Coachman, of Alabama, Samuel Chicote, the Perrymans, and Pleasant Porter from the Hitchiti-speaking towns, and Roly McIntosh of Tuskegee. Mr. McCombs considers the last named, although he did not reach the position of head chief, the greatest Creek statesman of his time. He was named

[97] Mr. McCombs, my authority for the incumbent of this position, was in some doubt about his correctness and the second chief may have been Miko hátki of Tulsa, as given by Cook.

[98] Roderick Cook thought that Roly McIntosh was second chief under J. M. Perryman and Legus Perryman second chief under Ispahihtca, but Mr. McCombs is probably right.

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for the first Roly McIntosh, who is said to have conferred the title upon him himself, in anticipation of his future greatness.

As stated already, when the Creek chief was installed an installation speech was made to him by a man of the Bird clan of Otciapofa, who instructed him regarding his duties and in general as to what was expected of him.

The duties of sheriffs or constables were discharged by eight, or about eight, light horsemen (tcilako ohgā'ga), four for the Upper Creeks and four for the Lower Creeks.

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The government of the Seminole nation was similar to that of the Creek nation proper. They had only two light horsemen.

The following general view of the condition of the Creeks in the middle of the nineteenth century furnishes an interesting picture of them in their western home in the middle period of their decline, a decline soon afterwards accelerated vastly by the Civil War and now brought to completion by their allotment and the practical abolishment of their national government:

"The Lower Towns, from their closer proximity and greater intercourse with the whites, exhibit a much greater advance in civilization and manner than their brethren of the Upper Towns. The old custom of settling together compactly and cultivating the town fields has been altogether abandoned, and they are no longer visible in this portion of the nation; the people are settled promiscuously throughout the country; many of their farms and residences would do credit to the States. Ornaments, silver plates, ear-rings, beads, and paint, are grown into disuse, and seldom or never seen except at their festivals or ball plays. The dress of the whites is becoming common, with the exception of the hunting shirt, which is generally of gay printed calico, and may be conceived quite picturesque. It is tenaciously adhered to, and is common to all Indians. Hats, vests, pantaloons, and shoes may almost be said to be the common habilaments of the males, and dresses of the richest materials of silks and muslins, made, too, in accordance with the latest fashions, are often to be seen upon the persons of the female classes. Gold and silver watches, rich and costly articles of jewelry, viz: chains, rings, brooches, etc., etc., are also used by the rich.

"The English language, though not generally spoken, is understood by many; and a strong desire is manifested by the community at large to throw off all their old superstitious ways and customs, and to adopt the ways of the whites. On the other hand, however, it can be said that the number of the indigent and needy is much greater here in this part of the nation. The use of whiskey, too, is more general, and its effects more visible. As before stated, there is no town, nor even a village, to be met with, yet the people are every year summoned, to their great dissatisfaction, to assist in

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building or repairing the town council houses, etc.; in many instances, to leave their crops and go a distance of 20 or 30 miles;—this service is enforced, too, under a penalty of a pecuniary fine. The settlements of the Lower Towns extend from the Verdigris river, on it and between it and the Arkansas, on both banks, to the Red fork, a distance of about eighty miles, and an average breadth of fifty. They are separated from the settlements of the Upper Towns by an uninterrupted prairie, extending from the bottoms of the Arkansas, south, to those of the north fork of the Canadian, a distance of about forty miles; they [the Upper Towns] extend from there, westward, between and on the Deep fork, North fork, and Main Canadian, to Little river, a distance of about eighty miles, and an average breadth of about sixty. From their peculiar location, they have less intercourse with the whites, and consequently do not exhibit so much improvement. Their dress, too, is more after the aboriginal form; they are forbidden to adopt that of the whites under penalty of lashes; they are, however, generally speaking, more enterprising and industrious; they grow cotton, and practise the domestic arts of spinning and weaving to a greater extent than the others. Cases of extreme poverty are more rarely to be met with. The chiefs are more generous, and their policy more liberal than those of the Lower Towns. In addition to the two blacksmiths' shops, furnished them by treaty stipulations, they have a public shop, which is supported out of their portion of the annuity; they have also devoted a portion of it to the erection of a water mill, and the support of a millwright; they have also a wheelwright, but he is paid by the government; they have not so much wealth as the Lower Town chiefs, generally speaking—(the McIntosh family are supposed to be worth $150,000 and B. Marshall some $50,000) yet *they* contribute nothing towards anything of this kind—alleviating the distresses of the poor, or to affecting any improvement in their country; however, it is reported that Opothleyoholo is by far the richest man in the whole nation." [90]

Hitchcock informs us that the Creek laws were compiled, or rather digested, in 1826 before the emigration and that an abstract of the digest was approved by a general council in 1840. Mr. N. L. Alexander, the Creek through whom Hitchcock obtained access to these, did not think that the first written laws antedated about the year 1822, but Hitchcock himself remarks that the year "1817" was entered opposite the law punishing murder. He adds:

"Most of the laws—there are but few altogether—relate to the punishment of the most prominent crimes, known as such among all men, and the regulation of property rights. They scarcely touch upon the ancient customs and usages of the Nation which are for the most part left in full force. Infanticide was formerly not uncom-

[90] James Logan, in Indian Affairs Report, 1845, pp. 814-817.

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The Yuchi probably claimed an exclusive right to hunt in their ancient territories on the Savannah and Ogechee.

Spoils taken in war were the property of the captor. Rights to land on the part of tribes and towns seem to have been based on original occupancy, hunting, and conquest in wars with other tribes.[19] It is probable that if we could investigate the Creek confederacy as it existed in the seventeenth and eighteenth centuries we should find that, in spite of a freedom to hunt broadly exercised, certain towns and clans claimed prior rights over parts of the common territory outside of their contiguous town limits, so easily does the idea of ownership become associated with that of use.[20] Coweta in particular seems to have put forth extensive claims to ownership of territory in the eastern part of the Creek area, and early in the nineteenth century even professed a right to dispose of the lands of the entire nation. This was, however, a political move fathered by the State of Georgia and that half-breed element which was acting in its interest.

In general we may say of the ancient Creeks that use and ownership among them were pretty closely united while the clan system and accompanying feeling of solidarity and sense of the duty of hospitality diffused prosperity to such an extent that well being was pretty widely extended and contrasts between wealth and poverty comparatively slight.

Finally I can not refrain from quoting the following passage from Hawkins, which shows clearly the economic bases of the difficulties between the whites and the larger tribes of Indians in the Southeast:

"Notwithstanding, I rely for the present on the assurance I have received [from the Indians], I must inform you that the game has become scarce; the wants of the Indians are increasing, the men too proud to labour; the distemper has destroyed their horses; the presents heretofore given by Great Britain, in quantities sufficient to cloathe all the idlers, has ceased; those given by Spain are mere baubles. The men, bred in habits proudly indolent and insolent, accustomed to be courted, and to think that they did a favour by receiving, where naked, cloathes and comforts from the British agents, will reluctantly and with difficulty, be humbled to the level of rational life." [21]

Crime and Punishment

The word haksi was used by Chickasaw of Adair's time "to convey the idea of a person's being a criminal in any thing whatsoever," and "such unfortunate persons as are mad, deaf, dumb, or blind, are called by no other name." [22] The original meaning of this word is

[19] Schoolcraft, Ind. Tribes, vol. i, p. 282.

[20] Eakins denies, however, that families had exclusive rights to any hunting grounds. This was after the removal west.

[21] Hawkins, Letters, in Ga. Hist. Soc. Colls., vol. IX, p. 240; cf. also p. 209.

[22] Adair, Hist. Am. Inds., p. 157, footnote.

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has the following to say regarding murder in the stricter sense of that term:

"If murder is committed, the family and tribe alone have the right of taking satisfaction. They collect, consult and decide. The rulers of the town, or the nation, have nothing to do or to say in the business. The relations of the murdered person consult first among themselves, and if the case is clear, and their family or tribe are not likely to suffer by their decision, they determine on the case definitely. When the tribe may be affected by it, in a doubtful case, or an old claim for satisfaction, the family then consult with their tribe; and when they have deliberated and resolved on satisfaction, they take the guilty one, if to be come at. If he flies, they take the nearest of kin, or one of the family. In some cases, the family which has done the injury promise reparation; and in that case are allowed a reasonable time to fulfill their promise; and they are generally earnest of themselves, in their endeavors to put the guilty to death, to save an innocent person.

"This right of judging, and taking satisfaction, being vested in the family or tribe, is the sole cause why their treaty stipulations on this head, never have been executed. In like manner, a prisoner taken in war, is the property of the captor and his family, it being optional with his captor, to kill or save him at the time. And this right must be purchased, and it is now the practice, introduced within a few years, for the nation to pay. The practice has been introduced by the agent for Indian affairs, and he pays on the orders of the chiefs, out of the stipend allowed by the United States to the Creeks. Claims of this sort of seventeen years standing, where the prisoner has been delivered to the order of the chiefs, have been revived, allowed and paid."[20]

In view of these facts the following law which Hawkins induced the Creek council to adopt becomes significant:

"To declare as law, that when a man is punished by the law of the nation, and dies, that it is the law that killed him. It is the nation who killed him; and that no man or family is to be held accountable for this act of the nation."[20]

Nevertheless it was with great difficulty that the Indian agent was enabled to secure the punishment of certain thieves and mischief-makers, some of whom had insulted the commissioners of Spain and the United States,[21] so strong was the sense of obligation to retaliate for injuries received by a fellow clansman and so great the fear of awaking it. Adair mentions several occasions on which an offender was protected by his family.[22] By 1820, however, Hodgson reports,

[20] Hawkins in Ga. Hist. Soc. Colls., vol. III, pp. 74-75.
[20] Ibid., p. 68.
[21] Ibid., p. 67.
[22] Adair, Hist. Am. Inds., pp. 395, 396.

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682 •177 on the authority of a trader who had been in the Creek country 15 years, that the murderer was publicly executed and the law of private retaliation had gradually become obsolete.[33] And, about 20 years later, Eakins says:

"Among the Creeks, now, however, the murderer undergoes a regular trial before some of the leading chiefs of the nation, and is dealt with according to their decision. If an Indian should murder a [563] negro, the law is satisfied with the value of the negro being paid to the owner. The intervention of time and the fleeing of the murderer, generally allay resentment and lead to compromises. After the annual "busk," all offences are cancelled.[34] There is no distinction made in the estimate of life between the male and female."[35]

691 The administration of justice was, however, far from being Europeanized. Thus Gregg contradicts Eakins in part when he tells us that—

"They have no trial by jury, and their judicial proceedings are exceedingly summary—frequently without witnesses; for the warriors are generally too proud to deny a charge, lest it be construed into cowardice. Executions sometimes take place within an hour after the commencement of trial. Murder, rape, and a third conviction of stealing are punished with death, usually by shooting; but, in case of homicide, if claimed by the relatives of the deceased, the criminal is executed with the same kind of weapon, or, if possible, the very same, with which he committed the murder."[36]

And he adds:

"Notwithstanding the severity of these laws, they are for the most part rigorously enforced; though a commutation satisfactory to the aggrieved is still permitted to release the offender. Their laws, in cases of accidental homicide, are still more barbariously rigid than those of the other nations."[37]

681 The information which I have myself obtained corroborates in all particulars that furnished by these earlier writers. The peculiar function of the White towns in protecting escaped criminals seems, however, to have well-nigh disappeared even before the migration to Oklahoma, as my oldest informants knew nothing about it. Jackson Lewis merely stated that a man who had committed an offense in one town frequently fled to another and kept out of sight as much as possible until a considerable period had elapsed. Then the chief of the town where he had sought refuge would say to the chief of the other town: "I have made a townsman of this friend of yours and I

[33] Hodgson, Journey through N. A., p. 367.

[34] This agrees with the statement of one of Speck's informants (Mem. Am. Anth. Assn., vol. II, p. 115), but anciently murder was one crime excepted from the general amnesty.

[35] Schoolcraft, Ind. Tribes, vol. I, p. 277.

[36] Gregg, Commerce of the Prairies, in Early Western Travels, vol. 20, p. 315.

[37] Ibid., pp. 315-316.

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684 that this was "according to one of their old laws against crimes of that kind." [67]

In another place Adair speaks of the nonobservance of the separation of a woman during her menstrual periods as a crime on a par with murder and adultery. "Should any of the Indian women violate this law of purity," he says, "they would be censured, and suffer for any sudden sickness, or death that might happen among the people." [68]

685 Punishments similar to those described above were resorted to in cases of theft, which anciently do not appear to have been common within the tribe. Hodgson, relying on an Indian trader of 15 years' experience, says of this:

"Stealing is punished, for the first offence, by whipping; for the second, by the loss of the ears; for the third, by death—the amount stolen being disregarded. My host remembers when there was no law against stealing; the crime itself being almost unknown—when the Indians would go hunting, or 'frolicking,' for one or two days, leaving their clothes on the bushes opposite their wigwams, in a populous neighborhood, or their silver trinkets and ornaments hanging in their open huts. Confidence and generosity were then their characteristic virtues. A desire of gain, caught from the whites, has chilled their liberality; and abused credulity has taught them suspicion and deceit." [69]

[177] It is to be feared that this is in part another case of "the good old days" which do not appear as good on close examination, but, for economic reasons, it is certain that stealing was not one of those sins characteristic of the southeastern Indians before white contact.

As to the penalties inflicted for theft, Hodgson's informant is substantially confirmed by Gregg. "Most inferior crimes," he says, "are punished by whipping; for the first offence of stealing, fifty lashes; for the second, a hundred and ears cropped," and he has already stated that death was the penalty for the third.[70]

Swan says that McGillivray introduced the law that "if an Indian steals a horse, he is liable . . . to return him, or another of equal value, and pay a fine of thirty chalks, or fifteen dollars; if he is unable to do so, he may be tied and whipped thirty lashes by the injured party. But," he adds, "as in other cases, the infliction of punishment depends, at last, on the superior force of the injured clan." [71]

687 Failure to attend the busk was penalized by the imposition of fines or confiscation of property, and similar punishments were resorted to for other derelictions in duty to the community. Thus,

[67] Adair, Hist. Am. Inds., p. 22.
[68] See p. 359.
[69] Hodgson, Journey through N. Am., pp. 267–268.
[70] Gregg, Commerce of the Prairies, in Early Western Travels, vol. 20, pp. 315, 316.
[71] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 281.

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men who had obtained eagle feathers,[95] and in later times the Seminole of Florida honored in this way one who had killed a certain number of deer.

Moreover, germs of what might be called higher schools of education had come into existence. These were in the care of those men who, in agreement with the usage of ethnologists, would be called medicine men, but there were at least two classes of men to which the title would have to be applied, the healer (aliktca or hilis haya), one of whom officiated at every busk, and the knower (kīla), who was a kind of soothsayer or prophet, and in his medical capacity a diagnostician. The first class communicated their knowledge to novices for a certain consideration. They would take from one to four pupils at a time, have them go through a preparation of fasting and sweat bathing somewhere away from the village and then inculcate their mysteries. These mysteries were communicated in courses. The first time the novices would bathe and fast for 4 days on a stretch, the next time for 8 days, and finally for 12 days. The completion of this last was equivalent to the taking of a very high degree and people who had attained it were very much respected. A more particular account of this will be given when we come to speak of Creek medical practice. Jackson Lewis, from whom much of this information comes and who had himself taken two degrees, stated that those who were chosen to conduct war parties came from this class, only that they must be from one of the Red clans, but it is possible that he is speaking of the medicine man who accompanied the party in his professional capacity, not of the actual leader of the party. I have been told that there were also graduates in the telling of myths, and some claimed the powers of wizards, such as an ability to fly, roast the hands in the fire, etc., "by a word." A red line painted from each corner of the mouth indicated that the individual so decorated wanted to play ball, that he was well up in the mysteries and a powerful man generally. These graduates, of whom there were several in each town, were evidently the repositories of learning, the keepers of the sacred myths, the historians, and the guardians of the supernatural mysteries.

The Tukabahchee chief, like many another Indian and white man before and since, thus laments to Hitchcock over the increasing insubordination of the rising generation:

"Young people are not so orderly and obedient to the old people now as they used to be in the old nation. When we tell them to do anything they seem to stop and think about it. Formerly they always went at once and did as they were told; that is, before they came to this country."[96]

[95] Adair, Hist. Am. Inds., p. 30.

[96] Hitchcock, Ms. notes.

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181 562 [593] of relationship.[444] In the quotation given above he[1] makes another blunder when he assumes that from the apparent indifference exhibited by an Indian couple when they meet after a long separation a constitutional "phlegmatic coldness and indifference" may be inferred. The self-restraint and seeming unconcern exhibited was simply a native custom from which nothing at all regarding the real feelings could be deduced. It may be added that the hard life of Indian women to which he refers was not usually considered hard by them but as the customary and essential, and it was in large measure but their share of a life which was harder all around than the lives of many civilized human beings. It was certainly not as hard as the lives of many of our sweatshop and mill operatives, and there is this to be said for it besides that it did not exist side by side with and thereby shame a theoretically lofty moral standard. On the other hand the "care and attention" which Creek women bestowed upon their men must be read in connection with the drastic regulations to which a widow was subjected.[444a] Collective virtues and vices are so closely bound up with economic conditions that it would be easy to show how both as they exist among Indians show to advantage or suffer in comparison with virtues and vices among ourselves. It is probably true also that white contact by putting an [177] end to intertribal warfare and to hunting, the chief occupations of the men in olden times, has shown up the division of labor between men and women with some disadvantage to the men, because the old traditions regarding division of labor have persisted into a period when a new arrangement is rendered necessary. This is not said with the idea of justifying Indian or European customs. Some of these were doubtless due to economic conditions which were indeed their sufficient excuse at one time. Many, too, may be perversions of customs which once had some reason for their existence though the perversions themselves have not and never had any such basis. In these cases history may furnish a palliation and an excuse but it can not give a justification, and the sooner such custom is abolished the better.

It is not just then to condemn the Creeks on account of some of their customs or to praise them overmuch on account of others. But, abstracting the customs themselves from the people, we may say that those of the Creeks were upon the whole on a distinctly higher level than the customs of most of the hunting tribes of American Indians and indeed than those of most of the agricultural tribes about them.

BURIAL

764 In the accounts of burial customs, as well as in those of marriages, there are considerable differences, and here again it is evident that

[444] See p. 376. [444a] See pp. 333-334.

1 [i.e., Swan.--Analyst]

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been for war at the same time; or taken, as they express it, the war talk. 726 622

"The Great Warrior, when he marches, gives notice where he shall encamp, and sets out sometimes with one or two only. He fires off his gun and sets up the war whoop. This is repeated by all who follow him, and they are sometimes for one or two nights marching off." [32] 701

Regarding the fasts which preceded such expeditions the same writer says: 726

"When young men are going to war, they go into a hothouse of the town made for the purpose, and remain there for four days. They drink the Mic-co-ho-yon-e-jau [miko hoyanĭdja] and the pos-sau [pasa], and they eat the Sou-watch-cau [sawatcka].[34] The fourth day, they come out, have their bundle ready, and march. This bundle or knapsack, is an old blanket, some parched corn flour, and leather to patch their moccasins. They have in their shot bags, a charm, a protection against all ills, called the war physic, composed of chit-to gab-by[35] and Is-te-pau-pau,[36] the bones of the snake and lion.

"The tradition of this physic is, that in old times, the lion, (Is-te-pau-pau,) devoured their people. They dug a pit and caught him in it, just after he had killed one of their people. They covered him with lightwood knots, burnt him, and reserved his bones.

"The snake was in the water, the old people sung and he showed himself. They sung again, and he showed himself a little out of the water. The third time he showed his horns, and they cut one; again he showed himself a fourth time, and they cut off the other horn. A piece of these horns and of the bones of the lion, is the great way physic." [37]

Considerable discredit has been cast upon Milfort by his pronounced egotism and the evident exaggerations introduced into his version of the migration legend of the Creeks, also by the picture of unity in the Creek confederacy which he presents. There are internal evidences of reliability about much of his information, however, and it must be remembered that his acquaintance with the confederacy was during the period of McGillivray's dictatorship when centralization of authority was at its height. I therefore believe that considerable value attaches to the following information; at least it gives us nearly all we know about the conduct of military operations in which 726 1770 642

[32] Hawkins, Ga. Hist. Soc. Colls., vol. III, p. 72.

[33] Cf. Speck in Mem. Am. Anth. Ass'n., vol. II, p. 118.

[34] This is intended for tcito yabi, "horned snake." The Creek chief Chicota told Doctor Gatschet that this medicine was used in hunting, not in war, but such customs change from decade to decade.

[35] Istĭ papa, "person eater."

[36] Hawkins, op. cit., pp. 79-80.

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726 several towns joined. There was not before or after this time the same unity of action, not even in the Creek-American War. The •177 general correctness of Milfort's account is indicated by numerous 642 points of agreement with the facts recorded by Adair and the other writers quoted above; in particular the prominent position he gives the war club as a war symbol tallies exactly with every scrap of information derived from other sources. The war medicines spoken of by Hawkins and in Chekilli's migration legend do not appear here; they were probably carried only by the head chief, or perhaps only by the chief of Kasihta.

Milfort claims to have been instrumental in doing away with the custom of burning captives at the stake,[28] but from what Bartram says[28a] it is evident that it had begun to decline several years before. Milfort also says that he induced the Indians to rate the taking of a prisoner at three scalps which should belong to the captor.[29]

His account follows:

726 "When he [the head war chief] had made known the necessity of calling together the warriors, a club was immediately exposed in public, part of which was painted red; that signified that a part of the nation, that is the young men, must hold themselves in readiness to march; for if the club had been colored red all over the entire nation would have had to prepare itself, something which happens only under extraordinary circumstances. The manner of painting this club red also lets each particular chief know at the same time how many men he must bring with him to the appointed rendezvous, so that the head war chief is always certain of the number of soldiers he will have at his disposal, a number which he regulates according as circumstances demand, and which he is able to fix absolutely.

[211] "When it is thus necessary to assemble the warriors at a common rendezvous, the head war chief has a club partly colored red given to each subordinate chief; it is usually accompanied by a certain number of little sticks, which serve to inform the warriors who carry them into the different cantons of the nation, of the day when they must be at the general rendezvous, with the number of young men needed for the march. Each day at sunrise a stick is thrown away, and the day on which they throw away the last must be that of their arrival at the place of meeting; there have been few cases of delay in this general muster. In order to provide against every slip of the memory, the bearers of the red club are obliged to give to each chief every day the watchword, which is usually the name of the place and the day of the meeting. I am going to give here a more detailed account of this red club, to say how it is given and what is its use.

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[28] Milfort, Mém., p. 218.

[28a] Bartram, Travels, p. 211.

[29] Milfort, op. cit.

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sippi tribes by those on the eastern side. When Bartram was on the Suwanee River, Fla., he learned that the Indians of that region went trading and hunting in their cypress canoes all along the coast as far as the southern end of Florida and even to Havana. He himself encountered a party which had just returned from the latter place. He states that they carried thither in trade "deer skins, furs, dry fish, bees-wax, honey, bear's oil, and some other articles."[1] Elsewhere he notes that the same articles, minus the dry fish, were traded to the American settlers and several Indians had become very well to do in consequence of this industry.[2] The following from Swan shows how and where they obtained their firearms at the end of the eighteenth century.

"The Creek Indians are very badly armed. The chief has made it a point to furnish them with muskets in preference to rifles, which, from the necessity of being wiped out after every shot, have been found less convenient than the former. Their muskets are of the slender, French manufacture, procured through the Spanish government at Pensacola, but are so slightly made, that they soon become unfit for any service.

"If the Indians were able to purchase for themselves, they would, however, prefer rifles in all cases, because they find them more sure and lasting: a good one will, at any time, command the price of 100 chalks, or $50, to be paid in skins or horses in the country."[3]

That some of the Indians of this tribe readily took to trading is reiterated by Romans, who says: "There are few towns in this nation where there is not some savage residing, who either trades of his own flock, or is employed as a factor."[4]

COUNTING

The Muskhogean systems of numeration are all decimal. In Adair's time the Chickasaw figured out mercantile transactions on the ground, a system which they called yakâ-ne Tlápha,[5] or "scoring on the ground."[6] They made single marks for each unit and a cross for 10. Adair believed that this latter mark was borrowed from the whites, but I have seen computations by the northwest coast peoples in which straight marks are used for units and a cross inserted to mark off every 20 units, the system of notation being vigesimal with them. The cross in the south may have been used for the same purpose in marking off tens. It is to be added that Adair's statements are confirmed by Eakins.[7] Eakins also says that they used

[1] Bartram, Travels, p. 225.
[2] Bartram, Trans. Am. Eth. Soc., vol. III, p. 39.
[3] Swan in Schoolcraft, Ind. Tribes, vol. V, p. 268.
[4] Romans, Nat. Hist. E. and W. Fla., pp. 93-94.
[5] Yakni lapa, "ground spread out."
[6] Adair, Hist. Am. Inds., p. 77.
[7] Schoolcraft, Ind. Tribes, vol. I, p. 273.

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is a man at each goal to see that the goals are made fairly, and two men on each side (called mâdjokâlgi) to umpire and keep order. They tell the players to play hard without fighting. Sometimes they have four of these men on a side. There is also one scorer for each side, each provided with a number of broken sticks. Each scores for his own side, sticking one stick after another in the ground until there are 10 and then withdrawing them until all of the sticks belonging to one side are out. 526

If any one gets knocked out in play they even up again by throwing down their ball sticks opposite each other to be sure that neither side has an advantage. The players wear red fringes around their necks, and cows' tails, panthers' tails, and bison tails on their buttocks. They run with the ball or throw it, whichever way will advance the ball fastest. When they are through, the winning side marches around its goal, goes home, and has a "stomp dance." The others may set a time and hold a "stomp dance" afterwards.

A man had to play on the side of his own town even against the people of the town into which he had married, but if he lived in a third town not involved in the game, he could join the town that asked him first. This, therefore, gave a man an opportunity to play on the side opposite that of his proper town, but in olden times it is probable that it did not happen very often. When preparing for the ball game at Tcatoksofka the town chief talked the players over with one heniha (of the Wind clan) and one man of the Raccoon clan, or sometimes he consulted two members of each clan. According to Zachariah Cook, at Tukabahchee there were two men known as imagâlgi who divided up the men or else called upon some experienced men to do it for them. Two mikâgi had charge of the women's dance. Although Jackson Lewis speaks of the place where the contest was to be held as being agreed upon in advance by the eight men who arranged it, this was not done finally until just before the game, each side fearing lest the opponents should bewitch it. This was given me as the reason why it was not known where the Talahasutci and Ŀiwahali Seminole were going to play in the summer of 1913. When the wife of a ball player was pregnant the doctor prepared a medicine for him different from that taken by the others. The middle ground, half way between the ball posts, was called wâskita; and each station halfway between that point and either goal was known as nâlkâptkâ'ga. The side which threw through one goal called the other party fûlûdjĭ and vice versa. It is asserted that there was little or no fighting in olden times during the ball game, and this assertion is borne out by what the older writers tell us—although legs and arms were sometimes broken in the scrimmages—but in recent years it has been almost impossible to play a game through without a free fight. A game between the Nuyaka and Ŀapliko towns ended 526 578 177

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526 578 177 this way, and the same fate befell one started between the Eufaula and Abihka towns. In the latter case the very first time the ball was thrown up a free fight began which lasted three hours, and, according to report, the county sheriff and his deputies were utterly unable to stop it.

526 Sometimes the parties to a ball game had to march some distance to reach the place agreed upon for the encounter. When that was the case they would go by easy stages, hold a rally in the evening, the night before, and dance all night. I have one account which states that they held such a dance the first evening, reached the place appointed the next day, held another dance there, and then began the game. A great amount of property was wagered on the outcome of one of these games by both men and women, who whould even strip clothing off of their bodies for that purpose.

It is to be observed that the Indian attitude with reference to the goals is just opposite to that taken by white men in their games, for with us the idea is to drive the ball through the enemy's goal, but the Indian considered that he was bringing the ball home to his own goal.

526 802 Among the Texas Alabama the method of counting points was different from that used by the Creeks, but it was probably a later innovation. There a straight line was drawn and transverse marks made on one side of this for one party and on the other side for the other party, twelve constituting the game. Figure 105 will illustrate.

FIG. 105.—Alabama method of recording scores in the ball game

526 788 I will now give an account of a practice game between Łaplako Indians witnessed by myself in 1913. We drove from Wetumka Sunday afternoon, July 27, and found the Indians seated on logs around the dance ground while the medicine maker at the other end was blowing into the medicine (pl. 7, *b*). There were two tubs, each said to contain miko hoyanĭdja, but each treated differently by the doctor, so that the men drank from both. He did his work very deliberately, sitting motionless for a long time and afterwards taking some time in blowing into the medicine. He probably did this four times, though we did not watch him long enough to be certain. He sat facing the east. After that the yatika made an announcement and all went to the medicine, formed two rows, facing east, and took the medicine in the usual manner, afterwards vomiting it out, though some did not choose to take it (pl. 7, *c*). Before and during this ceremony the chief held in his hand a short stick on the end of which was fastened two balls and a bunch of small sticks. The last were the scoring sticks; the former comprised a large ball with which they were going to play next day and a smaller ball, the "chief ball" above mentioned, used when one side has scored three goals. It is said that each side

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same orderly manner, with all the children that can walk, behind them, ranged commonly according to their height; the very little ones they carry in their arms. Those, who are known to have eaten of the unsanctified fruits, bring up the rear. In this manner the procession moves along, singing . . . till they get to the water, which is generally contiguous, when the Archi-magus jumps into it, and all the holy train follow him, in the same order they observed from the temple. Having purified themselves, or washed away their sins, they come out with joyful hearts, believing themselves out of the reach of temporal evil, for their past vicious conduct; and they return in the same religious cheerful manner, into the middle of the holy ground, where having made a few circles, singing and dancing around the altar, they thus finish their great annual festival, and depart in joy and peace."[75]

In a note he adds:

"They are so strictly prohibited from eating salt, or flesh-meat, till the fourth day, that during the interval, the very touch of either is accounted a great pollution: after that period, they are deemed lawful to be eaten. All the hunters, and able-bodied men, kill and barbecue wild game in the woods, at least ten days before this great festival, and religiously keep it for their sacred use." [76]

If this was indeed a Chickasaw ceremony it declined rapidly, and the declension had begun even in Adair's time, for he says: "As they degenerate, they lengthen their dances, and shorten the time of their fasts and purifications; insomuch, that they have so exceedingly corrupted their primitive rites and customs, within the space of the last thirty years, that, at the same rate of declension, there will not be long a possibility of tracing their origin, but by their dialects, and war-customs." [77] It may be added that a comparison of the earlier and later forms of the busk tends to bear out Adair's statement with reference to the lengthening of the dances and the shortening of the fasts and purifications. In other words, the social features progressively expanded at the expense of those of a strictly religious nature. It is a process common in all parts of the world where faith in an institution is gradually decaying. In this case the decay was due not so much to the direct influence of European missionaries as to the general modifying tendencies accompanying the advance of white civilization.

A word or two might be added regarding the busk of the Alabama Indians now living in Texas. It is rather curious to find that the Alabama in Oklahoma who have been in close contact with the whites still maintain a busk ground, while those in Texas, though they are

[75] Adair, Hist. Am. Inds., pp. 108-111. [76] Ibid., p. 98.

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796 [177] comparatively remote from white settlements of any size, gave theirs up so long ago that only the oldest people know much about it. The Alabama kept their busk some time in June. It was thought that after it was held the corn would not hurt anybody but before that it was wrong to touch it. If anyone did not take part in the ceremony the other people would not talk to him, let him come into their houses, or have anything to do with him. They said "it was wrong." At the beginning of this ceremony each family brought a quantity of ears of corn already roasted to the square ground and it was put up on a scaffolding made of canes and raised on forked posts to a height of perhaps 4 feet. Then all the people came there and danced until midnight. At about that time some of the roasting ears were shelled and a few men took a handful apiece and threw it over the house. This was done four times. What was left they ate. Then one man blew through a cane into a pot of medicine which had previously been heated and all had to drink some of this. After drinking it they went away and vomited it up. They used the pasa (Koasati pasé), but there was another medicine in the pot with it. The taking of this medicine was thought to bring good luck and health. Early on the following morning the new fire was made in the square by twirling a stick from a bush called hàsa'làpo against a stick of slippery elm (bàkca). Previously all of the fires in the village had been extinguished, and each woman carried home some of the new fire. The new fire is said to have been made out in the woods and was brought into the square from there. Next day the people went home and roasted more corn which they brought to the same place. In the evening they danced, threw more corn over the roof, and again ate. They did this four nights in succession and then the ceremony ended.

The "old dance" was probably danced at this time, but I am not sure. As the Alabama performed it there was one drummer and he had one assistant to help him sing. There were five or six songs. The dancers went about the fire in two files, the women next to the fire, the men outside. Each dancer held his hands clasped in front and twisted his body from side to side as he proceeded. They danced around the fire once, stopping and completing the first song at the same time. Then they went around singing another song and stopped again at the end of one circuit. When the last song was taken up they went around twice before they stopped.

796 171 Ceremonies modeled after those of the Creek busk seem to have spread to the Cherokee within recent years, though certain changes have been introduced. When I first visited the few surviving speakers of Natchez near Braggs, Okla., the ceremonial ground of the Indians near by had the four cabins typical of Creek practice and was resorted to by Natchez, Creeks, and Cherokee,[77] but on my next

[77] See Bull. 43, Bur. Amer. Ethn., Pl. 10.

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METHODS OF PRACTICE

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The method of bestowing medical treatment seems to have changed progressively after first contact with the whites, the religious features becoming less and less pronounced and the features connected with the administration of the medicine more and more important.

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Adair's account of the performance among the Chickasaw in the middle of the eighteenth century is as follows:

"When the Indian physicians visit their supposed irreligious patients, they approach them in a bending posture, with their rattling calabash, preferring that sort to the North-American gourds: and in that bent posture of body, they run two or three times round the sick person, contrary to the course of the sun, invoking God as already exprest. Then they invoke the raven; and mimic his croaking voice . . . They also place a bason of cold water with some pebbles in it on the ground, near the patient, then they invoke the fish, because of its cool element, to cool the heat of the fever. Again, they invoke the eagle, (*Ooóle*) they solicit him as he soars in the heavens, to bring down refreshing things for their sick, and not to delay them, as he can dart down upon the wing, quick as a flash of lightning. They are so tedious on this subject, that it would be a task to repeat it: however, it may be needful to observe, that they chuse the eagle because of its supposed communicative virtues; and that it is according to its Indian name, a cherubimical emblem, and the king of birds, of prodigious strength, swiftness of wing, majestic stature, and loving its young ones so tenderly, as to carry them on its back, and teach them to fly."[93]

Of the Chickasaw of a later date we read:

"When they are sick, they send for a doctor, (they have several among them,) after looking at the sick a-while, the family leave him and the sick alone. He then commences singing and shaking a gourd over the patient. This is done, not to cure, but to find out what is the matter or disease: as the doctor sings several songs, he watches closely the patient, and finds out which song pleased: then he determines what the disease is: he then uses herbs, roots, steaming, and conjuring: the doctor frequently recommends to have a large feast: (which they call *Tonsh-pa-shoo-phah;*) if the Indian is tolerably well off, and is sick for two or three weeks, they may have two or three Tonsh-pa-shoo-phahs."[94] They eat, dance, and sing at a great rate,

[93] Adair, Hist. Am. Inds., pp. 173–174.

[94] Tonsh-pa-shoo-phah is ta-shi ät pishofa, "the corn is hulled."

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754 "Stitches in the side, or small rheumatic pains, which are frequent with them [the Creeks], are often considered as the effect of some magic wound. They firmly believe that their Indian enemies have the power of shooting them as they lie asleep, at the distance of 500 miles. They often complain of having been shot by a Choctaw or Chickasaw from the midst of these nations, and send or go directly to the most cunning and eminent doctress for relief." [34] Male doctors prescribed for witchcraft equally with women.

114 753 Some other diseases and some different methods of treating the above are given by Doctor Speck, to whose paper (Mem. Am. Anthrop. Assn., vol. II, pt. 2, pp. 121–133) the reader is referred. Also cf. the same writer's Yuchi paper, Anthrop. Pubs. Univ. Mus., I, pp. 132–135.

753 Sickness was sometimes attributed to the absence of the soul from the body, and this was probably assigned as a principal cause of disease as well as a secondary cause. It was then the object of the doctor to induce it to come back. I have an Alabama story telling of such an occurrence. This is given by the same people as the specific cause of "slow fever." [34a]

753 •177 Adair gives us in one invaluable paragraph an account of the origin and naming of a new disease. He says:

"In 1767, the Indians were struck with a disease, which they were unacquainted with before. It began with sharp pains in the head, at the lower part of each of the ears, and swelled the face and throat in a very extraordinary manner, and also the testicles. It continued about a fortnight, and in the like space of time went off gradually, without any dangerous consequence, or use of outward or inward remedies: they called it *Wahka Abeeka*, 'the cattle's distemper,' or sickness. Some of their young men had by stealth killed and eaten a few of the cattle which the traders had brought up, and they imagined they had thus polluted themselves, and were smitten in that strange manner, by having their heads, necks, etc., magnified like the same parts of a sick bull. They first concluded, either to kill all the cattle, or send them immediately off their land, to prevent the like mischief, or greater ills from befalling the beloved people—for their cunning old physicians or prophets would not undertake to cure them, in order to inflame the people to execute the former resolution; being jealous of encroachments, and afraid the cattle would spoil their open cornfields; upon which account, the traders arguments had no weight with these red Hebrew philosophers. But fortunately one of their head warriors had a few cattle soon presented to him, to keep off the wolf; and his reasoning proved so weighty, as to alter their resolution, and produce in them a contrary belief." [35]

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[34] Schoolcraft, Ind. Tribes, vol. v, p. 271.

[34a] See p. 666.

[35] Adair, Hist. Am. Inds., p. 182.

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Besides the accounts of diseases and their cures already given I have considerable information regarding medicine plants and their uses in diseases for which I have no native explanation, although in some cases the name of the plant probably contains the supposed cause of the disease. The greater number of these were obtained from Jackson Lewis, another portion was from a Wiogufki Indian named Caley Proctor, a brother of the leader of the "Snake Indians," Eufaula Hadjo. He stated that he learned these things from an old Indian named Nokos īmala just before he died. To this I have added what I could learn among the Alabama of Texas, and some information from one of the few surviving Natchez Indians. The former varies somewhat from the rest on account of a difference in the Texas flora, while the latter has probably absorbed a great deal from the Cherokee among whom the surviving speakers of Natchez are living. A certain disorder was injected into Creek medical practice by the removal of the tribe west of the Mississippi, though Eakins's statement that "The roots and herbs they were accustomed to use in the '*old nation*' they have not yet been able to discover in their new country," must not be interpreted in a too sweeping manner.[36]

For the identification of the various plants I am indebted to Mr. Paul C. Standley, of the United States National Museum.

1. Miko hoyanīdja (a species of *Salix*, willow), "passer by of the chiefs," the medicine being supposed to pass by of its own power (G. W. G.) or perhaps "sovereign purgative." This is one of the two great busk medicines and as a remedy seems to have been thought more of than the pasa. It is known colloquially as the "red root," the roots of some being blood red and others pale red. Jackson Lewis said that it was used as part of the medicine in a great many complaints, such as fever with nausea and vomiting. According to Caley Proctor it was put in water and drunk by the patient, either cold or hot, in cases of internal fever, malaria, and biliousness. According to another informant it was used as "a graveyard medicine"—i. e., as he explained it, a medicine for dropsy—and also to cure the deer sickness. The patient was also bathed in it. It was used in conjunction with the spicewood (kāpapāskā) in cases of rheumatism and swellings. According to another informant the miko hoyanīdja and pasa together will cure "the clap" almost immediately. Eakins says simply that it was used in fevers.[36]

2. Pāsa. This is the "buttonsnake-root" of the whites, also sometimes called "bear grass," and its scientific name is *Eryngium yuccaefolium*. The Natchez called it awe'lwaih; the Koasati pase'. As above noted, it was the second of the two important busk medicines. Its use in conjunction with miko hoyanīdja has been mentioned. According to Caley Proctor, it was pounded up, mixed with water and drunk cold in cases of neuralgia and in kidney

[36] Schoolcraft, Ind. Tribes, vol. 1, p. 274.

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Muskogee

344 621 796 Wind were of the same "class." Under the present law they can all marry outside of third cousins.

The Kasihta defeated the Coweta three times in the ball game, the last time in 1878, and after that they took them under their jurisdiction and they have played on the same side.

Comparison of the plan of the new Kasihta with the plans of the earlier grounds secured by Gatschet and myself (42d Ann. Rep., Bur. Amer. Ethnol., pp. 266-268) shows that the old order has been fairly well maintained allowing for the disappearance of some clans, particularly the Fish clan. Incidentally I wish to correct an erroneous statement in my report in which I misquoted Gatschet to the effect that the Kasihta miko belonged to the Alligator clan. While the Alligator clan occupied half of the chiefs' cabin, the miko himself has always been taken from the Bear and was stated to have been so by Gatschet. The allocation of clans to the moieties by my recent informants contains a number of difficulties, for they seem to have placed the Bear among the Tciloki, which is unlikely, especially as it was said to belong to the same "class" as the Alligator and Wind. My own earlier authorities also classed the Beaver and Deer as Tciloki.

177 173 The following information will be interesting to those who wish to study acculturation processes in intangibles. It was told me by the Indian considered best able to speak for the town.

The original four cabins represented the New Jerusalem with its 12 gates. The busk goes back to the time when Jacob set up the altar at Bethel and is traced from him and his 12 sons. All of the Indians in America entered in two migrations, one at the time of Jacob (1500-2000 B. C.) and the second 600 years later, at the time when Jerusalem was destroyed by Nebuchadnezzar. Then they talked face to face with the Great Spirit because they were more obedient to God than any other tribe, but about 700 years after the Messiah they got away from the original law on account of desire for riches. Then they lost the old law and asked for a new government, and by holding a ceremony in midsummer, in the month of July, it was given to them. That new law taught them to tell the truth and be honest with their fellowmen and to raise their children in such obedience, not to touch anything that did not belong to them, not to make a false statement. That is the law which we are trying to follow.

177 609 He added:

We have a hard time because the white men have failed to fulfill their part of the agreement. They have strong laws that we can't begin to understand and our customs are about choked out through grafters who claim to have bought the claims of the allottees on which our squares are located. In order to hold their grounds several towns have to pay rent year after year. If the law makers would cooperate with us and give us full privileges we would raise more substantial, law-abiding young men and young women. That was the custom and the wish of our forefathers.

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of that dance carried representations of war clubs, which there is every reason to believe were anciently adorned with scalps, and some of these were painted red. But I suspect that this dance was an attempt to represent war as a protective institution and to thank the being or beings who preside over human destiny for having so well defended them against assaults of the—as usual—perfidious foe. Possibly some element of propitiation also entered into this dance.

The universe with which the Creeks sought reconciliation was not, however, a material one. What they had in mind was rather the mind or minds believed to be operant there. While we know of some supernatural beings connected primarily with the busk and numerous spirits associated with natural objects were anciently believed in, it seems fairly certain that the peculiar patron of the ceremony was a solar, or rather celestial, being generally called Hisagita-immisi, "the breath controller," and also Ibofánga, "the one above," and that the busk fire was in some way an earthly representation of the great solar fire overhead. While it is probable that Hisagita-immisi was not in ancient times the monotheistic deity he has now become, there is every reason to think he was already, before White contact, the supreme being of the Creeks.